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Ulysses S. Grant

President of the United States of America

To all to whom these presents shall come greeting

Know all Men, That reposing special trust and confidence in the Integrity Diligence and Discretion of Aaron Burayman of Wisconsin a free, sober, and by and with the advice and consent of the Senate, do appoint him to be Governor of Idaho Territory, and do authorize and empower him to execute and fulfil the duties of that office, exercising full power, and to have full hold the said office with all the rights and immunities thereto legally appertaining and to hold his said commission during his term of year, years, from the 24th day of August 18th, 1890. Given under my commission bearing date at the President of the United States for the time being.

In Testimony whereof, I have caused these letters to be made Patent, and the Seal of the Department of the Interior to be hereunto affixed. Given under my hand at the City of Washington the Twenty fifth Day of July, in the year of our Lord one thousand eight hundred and ninety six and of the Independence of the United States of America the one hundred and first

By the President

U. S. Grant

B. Chandler

Secretary of the Interior

Washington City August 11th 1876

Sir: I have the honor to acknowledge the receipt of your communication of the 27th July, enclosing a Commission from the President, appointing me, by and with the consent of the Senate, to be Governor of Idaho Territory - And to signify my acceptance of said Appointment.

I also return herewith duly subscribed and sworn to, the oath of office prescribed by law.

Yours Respectfully
Your obt Servt
H. M. Prayman

Wm. H. H. H.
Hon. H. H. H.
Secretary of the Interior

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By the Governor
Election Proclamation

Executive Department
Idaho Territory
Boise City
Sept. 25, 1876.

To all whom it may concern
Know Ye, That I, Mason B. Bruffman, Governor
of the Territory of Idaho in obedience to law
do appoint and order the holding of a General
Election at the proper voting places in the
several counties of said Territory, on Tuesday
after the first Monday in November next; being
the seventh day of said month in the year
of our Lord 1876 for the Election of the following
Officers, to wit:-

One Delegate to the Forty Fifth
Congress of the United States
Members of both
branches of the ninth General Assembly of
the Territory of Idaho, as follows, to wit:-

Ada County - Two (2) Members
of the Council and Five (5) Members of the
House of Representatives.

Alturas County - One (1) Member
of the Council and Two (2) Members of the
House of Representatives.

Bear Lake County - One (1) Member
of the Council and one (1) member of the
House of Representatives.

Boise County - Two (2) Members of
the Council and Five (5) Members of the
House of Representatives.

Idaho County - One (1) Member
of the Council and one (1) member of the
House of Representatives.

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Benih County - One (1) Member
of the Council and Two (2) Members
of the House of Representatives.

Big Pine County - One (1) Member
of the Council and Two (2) Members
of the House of Representatives.

Quindia County - One (1) Member
of the Council and Two (2) Members of
the House of Representatives.

Owyhee County Two (2) Members
of the Council and Five (5) Members
of the House of Representatives.

Shoshone County - One (1) Member
of the Council and one (1) Member of
the House of Representatives.

Also, all other
territorial, County, Precinct and other officers
required by the laws of said territory to be
elected at said General Election.

In testimony whereof, I have
hereto set my hand and caused
to be hereto affixed, the seal
of said Territory, attested by
the Secretary thereof.

Done at Boise City
this Twenty-fifth day
of September, A.D. 1876

Attest E. H. Curtis,
Secretary. } W. W. W. W. W.
Governor Idaho Territory

By the Governor
Territory of Idaho
- Of -
Thanksgiving Proclamation

Not compliance with a custom made venerable by long observance, the President has set apart the Thirtieth day of November instant, as a day of Thanksgiving to Almighty God for the blessings that have crowned the now closing year.

The watchfulness of an omniscient Eye, the guidance of a Divine Hand, have been manifest through all the domains of nature. The order and harmony of the universe - the succession of the seasons, Springtime with its germination, Summer with its ^{harvest} seed-time - Autumn with its fruits - these attest the wisdom, favor and loving care of the Father of all.

It is therefore recommended that the good people of Idaho, permitting their accustomed employments, do consecrate the day to a grateful recognition of the Divine goodness.

Let offences be forgiven and the spirit of charity drawn over the errors and misdeeds of the past - Let families assemble and neighbors greet each other with gifts; not forgetting the stranger, nor withholding from the children of want and sorrow on whom the chastening hand has been laid.

Let all who are so minded assemble in their houses of worship and in their homes sing praises and give thanks. Give thanks for the life that is and the life that is to be. Give thanks for our national preservation and unity, and for the hope of that perfect brotherhood which is the offspring of perfected liberty. Give thanks for a Constitution that permits no man to lay burdens upon the conscience of his fellow man, that secures free suffrage, free press, free schools, and a free press.

And while the incense of grateful thanks for
past mercies ascends from pure hearts and
consecrated altars, let fervent prayer be made
that Heaven's blessing may rest upon our favored
land, and that tomorrow may be even as
this day, but still more abundant.

L. S.

In testimony whereof I have hereunto
set my hand and caused the
seal of Idaho Territory to be
affixed, attested by the Secretary
Done at Boise City this
second day of January A.D.
1876

W. B. Newman
Governor

Attest
J. Cortes
Secretary

Certificate of Election

S. S. Fenn

December 2, 1876

To whom these presents may come:-

Greeting:-
Whereas, a General Election was held on Sunday the seventh day of November A.D. 1876, in the Territory of Idaho, for the Election of a Delegate to represent said Territory in the Forty-fifth Congress of the United States that is to say for the term two years from and after the fourth day of March A.D. 1877.

And whereas, but a canvass and inspection of the returns of the votes cast in the several Counties at said Election, made this day in my presence, in all respects complying with the laws of the United States and of the said Territory of Idaho in that behalf, it appears that

Stephen S. Fenn

A Citizen of said Territory and duly qualified did receive a majority of all the votes lawfully cast at said election, as appears of record:-

Therefore know ye and I Mason Braymann, Governor of said Territory of Idaho, do certify and declare that the said Stephen S. Fenn has been duly & lawfully Elected a Delegate from said Territory of Idaho in the Forty-fifth Congress of the United States for two years from and after the fourth day of March A.D. 1877.

In Testimony whereof, I have hereunto set my name and caused the Great Seal of the Territory of Idaho to be affixed & attested by the Secretary thereof, at Boise City this second day of December

in the Year of our Lord,
One thousand Eight hundred
and Twenty-Six

Attest
E. Houghton
Secretary.

Governor.

Certificate of Election

At Large
George Ainsley
Idaho Territory
Executive Department

In Compliance with the laws of Idaho Territory providing for the election & qualification of District Attorneys, and in conformity with law Act of the Legislative Assembly defining their duties, and their respective Districts, Given January 14th A.D. 1846

I do hereby certify that at a General Election held in and for said Territory on the Seventh (7th) day of November A.D. 1846, that being the time prescribed by law, for holding said General Election, That George Ainsley Esq. received Eight Hundred and Twenty Four Votes for District Attorney of District No. Two as defined by law and that being the highest number of votes polled for any one person for said Office in said District - he is therefore declared duly Elected District Attorney for said District No. Two, comprising the said Counties of Alturas, Boise and Lemhi Counties, Territory of Idaho, according to the returns made and received by the Secretary of Idaho Territory and opened and examined by E. Curtis the Secretary of Idaho and by Joseph Pinkham United States Marshal for the District of Idaho Territory in my presence on this Second day of December A.D. 1846, which said returns are now on file in the Office of the said Secretary of Idaho.

In testimony Whereof I have hereunto set my hand and caused the seal of the said Territory to be affixed at Boise City this 2nd day of December A.D. 1846

Attest
E. Curtis

Secretary of Idaho Governor of Idaho

Executive Department
Idaho Territory
Certificate of Election
D. E. Ensign

In Compliance with the laws of Idaho Territory providing for the Election & qualification of District Attorneys & in conformity with an Act of the Legislative Assembly defining their duties and their respective Districts, Approved January 14th A.D. 1875.

We do hereby Certify that at a General Election held in & for said Territory on the seventh (7th) day of November A.D. 1876, that being the time prescribed by law for holding said General Election that D. E. Ensign Esq. received Sixteen Hundred & Nineteen Votes for District Attorney of District No. Three as defined by Law, and that being the highest number of votes polled for any one person for said office in said District, he is therefore declared duly elected District-Attorney for said District No. Three comprising the said Counties of Bear Lake, Ada, Owyhee & Owyhee Counties, Territory of Idaho, according to the returns made & received by the Secretary of Idaho Territory & opened & examined by E. Curtis the Secretary of Idaho, & by Joseph P. McKim United States Marshal for the District of Idaho Territory in my presence on this second day of December A.D. 1876, which said returns are now on file in the office of the said Secretary of Idaho.

In testimony whereof I have hereunto set my hand & caused the seal of said Territory to be affixed at Boise City this second day of December A.D. 1876.

Attest
E. Curtis
Secretary

Governor of Idaho

Certificate of Election

J. H. Fox

Creation Department
Idaho Territory

In compliance with the laws of Idaho Territory providing for the Election & Qualification of District Attorneys, and in conformity with an Act of the Regulation Assembly defining their duties, and their respective Districts, Assessed January 14th 1875.

I do hereby certify that at a General Election held in and for said Territory on the seventh (7) day of November A.D. 1876 that being the time prescribed by law for holding said General Election, That J. H. Fox Esq. received four hundred and eighty two votes for District Attorney of District No. One, as defined by law, and that being the highest number of votes polled for any one person for said office, in said District, he is therefore declared duly elected District Attorney for said District No. One comprising the said Counties of Jew, Pierce, Idaho & Shoshone Counties Territory of Idaho, according to the returns made and received by the Secretary of Idaho Territory as opened and examined by E. J. Curtis the Secretary of Idaho and by Joseph Pinkham, United States Marshal for the District of Idaho Territory in my presence on this second day of December A.D. 1876. which said returns are now on file in the Office of the said Secretary of Idaho.

In Testimony whereof I have hereunto set my hand and caused the seal of said Territory to be affixed at Boise City, this second day of December A.D. 1876.

Attest
E. J. Curtis
Secretary.

Governor of Idaho

Governor's Message

Delivered December 6th 1875 1876th *see*

Gentlemen of the Council
 of House of Representatives:

The General Government provides for the care of its outlying domains & the protection of people first resorting to them through forms of political organization resembling, as far as possible, those of already established States. They have the three co-ordinate branches - the Executive, the Legislative, the Judicial. Ample assurance is afforded that the foreign power of the Nation is sufficient not only to provide for the general welfare and hold its constituted States together in Union & Harmony but to extend the protection of its arm and the blessings of a benign Administration to the most distant & feeble of its Territories.

It is thus that the Territory of Idaho through ties of mutual obligations & benefits may claim her part & lot in the great Fraternity of free men who form a country & a home within the wide Ocean which nature set in vain to stay the march of our Civilization.

Your assemblage to-day Gentlemen under the forms of law - your orderly organization - the large & delegated powers which you are now prepared to exercise attest the dignity of your Mission as free representatives of a free Constituency.

Through the period of your labors is limited by law to forty days, it is hoped that you will find ample time for the transaction of all necessary business. Safety & utility do not consist in making many laws. The condition of our people is not far different

from what it was two years ago. It is well to avoid the evil example of too many older States and Territories, where each succeeding Legislature seems to proceed to the enactment of its assigned number of quantity of Laws, without reference to previous Legislation upon the same subjects, or the real wants of the people.

In the beginning of frontier settlements, while the pioneers of civilization are contending with the difficulties of soil, and climate and savage tribes, - when daily toil and nightly solicitude are necessary to secure the means of subsistence and defense, they need but little Statute law. The rifle, the woodman's axe - the plough, are better friends than the pen and the musty volume. There is little taste or time for the mere business of Legislation. They make laws, as they make their cabins, their roads and bridges - when they need them for shelter and commerce, from time to time.

As the territory becomes more settled in its social and political condition, it is well, while avoiding violent innovations to seek corrections of such defects in the laws as become apparent, so that each step may be in the right direction, and each change an improvement. It is hoped that reference to some of the subjects which may attract the attention of the General Assembly, will be acceptable at this time.

FINANCES

The financial condition of the Territory seems to require your first and most careful consideration. In the Organic Act, and by continued annual appropriations, Congress has made provision for nearly all our legitimate expenses. A Territorial government is but a temporary arrangement for the preservation of order and the protection of life and property. Congress may, at any time, abolish

the organization of attack its area to contiguous States & Territories. Its government has few of the attributes of sovereignty, no Constitution, no power of perpetuating its own existence, not of making & enforcing laws, further than Congress may permit.

With such limited powers, & so precarious an existence, it is not to be inferred that the General Government conceded the necessity, or intended to bear expense for the creation of a permanent territorial debt. It was more reasonable to expect that after an honest & economical use of the annual appropriation of Congress, the local legislature would make up, by a small tax, the amounts needed for purely territorial service, & take care to keep the expenditure within the limit of actual income. Such considerations, however, do not seem to have prevailed, for to day the territory staggers under a fast-increasing debt, their demands at once increased expenditures, closed economy in collections & expenditures, or confessed repudiation.

To Enquire how or why this debt was incurred, or what became of the money it represents, would be a painful & profitless task. The results do not appear in improved navigation of our Rivers; in Rail Roads, in Bridges or Highways. No ample buildings have been erected for the use of our Honorable bodies & your public Officers, with their common furnishings, no public Library; no colleges, no prison for the punishment & reformation of criminals, no Asylums for the insane, the blind, the deaf, the dumb; no home for the orphan and the poor - none of these attest the wisdom, humanity and foresight of the past, or offer to our people of to day, and of the future, any equivalent for the burden of this debt, which, however, rather

rather than a sense of benefits received, Compels them to bear

It appears that on the 4th day of December 1865, not two years after the organization of the Territory, a debt had accumulated of \$60,529.13 beyond the means of payment. This startling deficiency was permitted to increase from year to year, without apparent effort to impose check or limit, until at this time you encounter a coin debt of \$71,396.45 and a currency debt of \$72,461.57. The people pay their taxes in currency. Coin debts must be met by purchase of that commodity in the market. The present rate is ten per cent. It requires \$11.11 of the people's taxes to pay \$100. in coin. Applying this mode of computation to our coin debt, our outstanding indebtedness is \$151,799.02.

Deducting \$15,854.75 now in the Treasury it follows that the Territory of Idaho now owes beyond its means of payment, one hundred thirty-five thousand nine hundred and twenty-five dollars and twenty-five cents.

The special conditions of the Territorial debt are as follows.

The coin debt comprises -
First - \$21,964.80 new ten per cent bonds under the funding law of January 8, 1875, payable December 1, 1885. Second \$43,075.00 seven per cent issued under the funding law of 1866 and 1867, now past due. Adding accrued interest on all specie bonds the coin debt now past due and to be provided for is \$49,421.65.

The unfunded debt outstanding in the form of Comptroller's warrants is - Principal at \$60,164.70, accrued interest \$12,296.84, being \$72,461.57. From this deduct as before, \$15,854.75 now in the Treasury and it is \$56,606.82.

Being unable to meet our obligations at this time, it is due to our creditors, as well as to the people themselves, whose honor is involved, that

at this session, measures be taken which will afford sufficient time; and, what is more important still, provide the means of paying according to the new promises we make. The actual amount is not so large as to discourage effort. With time and prudence, it can be easily mastered. The danger lies in permitting its accumulation, and in the losses incurred through a ruined credit.

It is recommended that an act be passed, supplemental to that of January 8th 1875 providing for a new series of two per cent gold bonds running fifteen years from December 1, 1876, with interest semi-annually both payable at the Territorial Treasury. Let the principal of the coin debt yet unpaid be merged in these bonds. Allow to creditors two per cent difference upon the principal of their old bonds but none on accrued interest. Permit creditors to make exchange immediate and direct at the Treasury repealing so much of the Act of 1875 as requires advertisement for sale of old bonds. The new Bonds, already issued, have now but eight years to run. As the Territory gains seven years longer time, and does not pay the interest or difference on the interest now due, those who have already exchanged at four, and are to be first paid, will suffer no hardship by reason of their generous acceptance of the terms of the existing law; especially as it would be proper to place them on the gold coin basis established for the new issue. The prompt adoption of a measure of this character will it is hoped so far improve the credit of the Territory as to justify a provision allowing but five per cent difference on bonds exchanged after the expiration of the first half year and none after one

By far - assuming, of course, that certain land full provision will be made and carried out, for paying the interest when due.

It is also worthy of consideration whether it is not sound economy to put the warrant debt into currency bonds, giving sufficient time to run to give us the advantage of growth in population and resources. Let this be done, and a sure income provided to pay as we go all our current expenses as well as interest. This will justify the repeal of the law under which we now pay ten per cent interest on warrants which we sell at thirty per cent discount. For example, your present contract to pay the United States one dollar per day in currency for boarding prisoners, is complied with by giving a warrant for one dollar thirty-three cents bearing ten per cent interest. In just five years, the one dollar becomes two. All purchases made for the Territory and all service must be paid for at the same rate. Thus, poverty becomes a crime to be punished by increasing the burden, as we become more and more unable to bear it.

It will be better economy and more satisfactory to public creditors, to provide with certainty for all current payments of interest and expenses as we go thus bringing our credit up to par before undertaking to pay the principal. For when in this condition, our bonds will be sought by capitalists as a profitable investment, instead of being shunned from the market.

While it is desirable that the rate of taxation in the Counties be uniform, and the burdens imposed made equal, it remains necessary that the Boards of

County Commissioners who but understood the wants & resources of their own Constituencies, have charged of that matter.

Now the present condition of our industry and the diminished resources of the people, compared with former times, it is not regarded wise or necessary to increase the rate of taxation. The sum now levied, if carefully collected and expended is enough to serve all County purposes, and bring sufficient to the Territorial Treasury to pay in cash all current expenses and interest on the public debt; also, under necessary reforms in our financial management and the return of prosperity, to provide for the steady reduction of the principal of our deferred debt.

All that is wanted to secure this result, is to so adjust the laws, that a certain sufficient amount shall be brought into the Territorial Treasury, above and beyond all costs of collection, and all appropriations by County Authorities. It appears to have been formerly the habit of County Commissioners to make allowances upon bills & charges against the Territory, & ordering them paid out of the Territorial funds - the receipts therefor being returned to the Territorial Treasury & improperly allowed by him as cash; whereas the money ought to have been paid in, & the claims presented for audit to the Comptroller, who is charged by law with that duty. The solution does not seem difficult. It is only necessary to ascertain what percentage or proportion of the whole amount collected will be required for Territorial uses, leaving the remainder at the disposal of the proper Authorities of the Counties who, acting in the presence of their immediate Constituents

will not be likely to fall into error. It is, certainly, the desire of every good citizen and public officer, to sustain the public credit - to save as well as to get; and to so adjust the machinery of administration as to accomplish the object without clash of interests, or conflict of authority.

There are many ways in which expenses may be reduced, at the same time giving greater efficiency to the public service.

The cost of conveying prisoners to the Penitentiary is a heavy tax upon the Treasury. If the discount on warrants increases the cost of their support beyond a reasonable amount. If possible means should be provided for their instruction, and for employing them at steady labor, whereby they can be made to pay all or a part of the expense of keeping them.

In many States their labor is a source of actual income over their expenses. The wholesome rule, that idleness is the parent of mischief and crime, is not out of place, even within prison walls.

The number of pardons issued during the past two years is by my predecessors two by myself two - leaving in custody at this time fifteen. The cost of keeping prisoners for the years 1845-6 is \$8,324.18, against \$4,320.54 for the years 1843-4.

It is suggested whether economy and efficiency of service would not result from a change in the mode of electing and paying prosecuting Attorneys, whereby each County should elect its own officer, who should receive fees upon conviction with a small annuall salary, each to do all business of his County, civil and criminal - the incumbent for Ada County to be also ex officio Attorney General for the Territory, with an addition of salary corresponding

to the service required. As it is now the Territory has no legal adviser - no Officer to bring suits in its behalf in case of forfeited bonds or official delinquencies, nor has any fund heretofore been provided for such services by reason of which persons so minded, may plunder the Public Treasury of the tax-payers with almost perfect impunity. The Counties are in the same condition.

The District Attorneys, while receiving liberal salaries for holding their Offices, & larger fees for the business actually done, which may be, & is often performed by a deputy, are understood as required to transact criminal business only, except in collecting delinquent taxes, for which a generous commission is provided.

The law providing for the public printing & furnishing supplies, to be paid for by the Territory, may be profitably amended so as to give fully opportunity for competition & by regulating the receiving & opening of proposals & the awards made upon them.

Though it may be well to change the frame-work of the Revenue laws, there are provisions requiring amendment. As now administered, the practice is to bring suits against delinquent tax-payers in similitude of suits at law, thus burdening each with a bill of costs.

The laws regulating the duties, powers & compensation of Assessors, Collectors, & others employed in the Revenue service, require such modification as will lessen the costs of bringing the taxes paid, into public use. Enquiry of past history may show that per diem service has been charged for a length of time disproportionate to the work reported, & that collecting

lists are so classified with reference to times ^{of} modes of Collection, as to increase percentages, ^{of} costs beyond the intent of the law. That mode of legislation which leaves ways open for keeping money out of the Territorial ^{of} County Treasuries ^{of} using unnecessary penalties ^{of} costs from the people with no corresponding benefit to the public service, is unfortunate, ^{of} should not be tolerated.

Education

Without education no people are capable of self government. All attempts made to build republican institutions upon the foundation of popular ignorance, have failed ^{of} must fail. No educated people can be permanently enslaved. A free common school system, which affords the blessings of education to every child in the land, is the sure guarantee of good government, national liberty, ^{of} sound morality, the beginning of all improvement in the art of living nobly ^{of} well, and on this rests the hope of transmitting to coming ages complete forms of Christian civilization.

That Idaho has not better facilities for educating her children, is to be deplored. Perhaps she is doing as well as she can with her limited means ^{of} scattered population. So long as she is striving to do better there is encouragement. It is unfortunate that the lands granted by Congress are of so little present value as to afford no substantial aid. We may, with great propriety ask the General Government, an appropriation in money, in order that the benefit intended to be conferred may become real. Now, we are practically without the aid so liberally

Now the present depressed condition of business
 & the poverty of our Territorial Resources
 it is not wise to increase the general rate
 of taxation. We can only study Economy
 in the application of the funds now pro-
 vided. That feature of our law which
 confers the title, duties & emoluments
 of School Superintendent upon the Territorial
 Comptroller & County Auditor casts the
 whole interest of education into a secondary
 & subordinate place, & nothing but confessed
 poverty can excuse its toleration. These officers
 are elected to other duties - there are but
 appendages & must necessarily sink in
 value & importance.

Now if not that large additional
 expense might be incurred, the General
 Assembly would be urged most earnestly
 to provide at once for the election or
 appointment of Territorial & County
 Superintendents, men fitted by educational
 training enterprise & zeal to take charge
 of this now neglected, but most important
 branch of public service.

Military Affairs

Under acts of Congress providing for arming
 the National Militia, the Territory has received
 upon requisitions made by my predecessors
 One hundred Springfield Breech Loading
 Rifle Muskets with accoutrements and
 twenty five thousand Metallic Cartridges
 One hundred & seventy six Springfield
 Carbines, with accoutrements, & eighteen
 thousand one hundred Metallic Cartridges
 One hundred & seventy six Colt's Revolvers
 with accoutrements & eighteen thousand
 one hundred Metallic Cartridges - Also eighty
 nine Smith's Cavalry Sabres with appropriate

equipments. Of these as shown by inventory recently made, there remain on hand, Three hundred and Eighteen muskets with accoutrements, and ten thousand eight hundred Cartridges - One hundred and fifty-six Carbines with accoutrements, and sixteen thousand five hundred Cartridges - one hundred and thirty-two Revolvers with accoutrements and seventeen thousand five hundred and fifteen Cartridges - Also Eighty six Sabres, with their accoutrements.

It is suggested that the Legislative Assembly enquire into the condition of these arms and Ordnance Stores, and provide for their use. Under existing laws, the Executive has but one duty respecting them - their preservation. He must keep them but may not use them. By the laws of Congress and of the Territory he is styled Commander in-chief of the Militia; but the Territory has no militia. When appropriate laws are enacted and the militia organized under them, the Act of January, 14, 1875, which authorizes the Governor to use these arms for the public defence, can be made effective. Thus far the Act of Congress, placing in our hands the means of protecting ourselves and contributing to the national defence has failed of its object. The Executive of the Territory cannot undertake the organization of the militia without assuming powers not yet granted him by law; neither can he use a gun, or spend a dollar, even to execute the laws suppress insurrection or repel invasion except upon his personal responsibility.

Mining

A large share of the wealth of Idaho lies beneath the soil. The surface has only

been sufficiently worked to indicate the rich deposits yet awaiting development. Capital, skill & machinery are wanted. Owing to our great distance from Rail Roads & navigable streams the most enterprising have found almost unconquerable discouragement.

It is recommended that Congress be memorialized to cause a thorough Geological Survey to be made, as has already been done in Territories & States south of us; and that as soon as our resources will permit we organize a Geological & Mining Bureau for the purpose of developing our mines, forming a Cabinet of ores, & of publishing useful knowledge in this most important department of industry.

Water Communication

Water transportation is the most cheap & prominent agency which the resources of nature & the wisdom of man can supply, for effecting exchanges between distant climes & countries. Whether driven by wind or steam; on oceans, lakes or rivers, ships are the true burden bearers of Commerce. Idaho, being an interior country, of singularly rough & wild surface has not these natural advantages. Its principal streams find their way through mountain ranges & deep canyons, obstructed by rocks & broken by cataracts, forbidding transit by open water-ways to the sea. Countries of level surface may supply the want of navigable streams by artificial canals, but such structures adequate to the necessities

of an ever increasing demand, are impossible here.

From its sources at the foot of the Wind River Range on our Eastern border to its junction with the Clearwater at Lewiston on the line that separates Idaho and Washington Territories, a thousand miles the Snake River is not navigable, nor capable of being made so, except in part, and at a cost not justified by its prospective utility. Rather are its tributaries, except for short distances and limited periods, sufficient to the wants of the regions through which they flow.

The National Government has undertaken by frequent appropriations the improvement of the streams which flow through Idaho, Oregon and Washington to the Pacific. At the last session of Congress, fifteen thousand dollars were appropriated to the removing of obstructions in the Upper Columbia and Snake Rivers. Assurance are given that the work will be begun at an early day. Other appropriations will follow and it is hoped, be continued until unobstructed navigation is secured from Lewiston to the Sea, and our own smaller Rivers are made available to the utmost possible extent. It is recommended that the importance and necessity of these works be impressed upon Congress by suitable memorials & petitions.

Railroads

The time has gone by when an intelligent and practical people demand further proof or argument in behalf of Rail Roads. The history of the age furnishes both. Over the banks of Lakes and Seas, competing with heavy shipping - alongside the huge steamers

that swarm the River, innumerable trains, & culling them in safety and celerity, direct the Commerce of the Continent. Over great & trackless plains - Across bays & Rivers - through Mountain defiles, they make their way, planting new homes, new states, and more sturdy forms of Civilization on every hand. Rail Roads have bound in indissoluble ties the most distant portions of our Country realizing in a day the dream of a Century - An Ocean bound Republic!

The want of adequate water Communications makes Railroads in an especial manner, indispensable to the growth & prosperity of Idaho. Enormous sacrifice of time, & labor, and money must be encountered by those who now seek homes in its rich valleys or resort to its mines. Emigrants may cross the Ocean to finish the journey from Atlantic Ports to Idaho more laborious & expensive than from the middle of the Continent of Europe to our shores. The intelligent Patriotic Citizen who, with his family & goods seeks a home in the far west, shrinks from the cost & hardships of Overland travel, and finds a resting place elsewhere. Without Rail Roads our valleys & mines must remain undeveloped & almost unknown, and Idaho will stand like a rock in the Ocean, against which the waves of Emigration may beat, only to be turned aside, passing on to fill up and enrich new Territories and States beyond.

It is believed that these Considerations

will induce our People to give all aid and encouragement in their power, and incline their Representatives in the General Assembly to afford every facility within the sphere of Territorial Legislation. We may not despair of aid from Congress, which has, in lands all kinds, so liberally endowed other sections less necessitous than ours. Nor this way only, can the millions of acres of public lands in our Territory be brought into market, or made available. Upon the same principle of public utility that induced Congress in 1850 to bestow the swamps and overflowed lands of Mississippi Valley upon the States in which they were found to create a fund to be expended in their reclamation from overflow we may ask that our waste mountain lands, now impossible of irrigation and settlement through private enterprise, and thus far worthless, be granted to the Territory, to be devoted to their irrigation by great canals, and made accessible by railroads. In this way lands which in a century would not be worth their taxes, may be converted into thousands of homes.

Since the hopes of our People respecting the construction of the Northern Pacific Railroad are deferred for an indefinite time they certainly may justly ask of Congress, that the inspection donation to that enterprise may be turned into more useful channels. The attention of the country has been for several years attracted to a proposed line of Railroad from Portland Oregon, by the way of Boise to Salt Lake City. An organized & chartered company for that purpose is engaged in surveys and will, doubtless, repeat its application, hereafter made for aid from the General Assembly of Idaho. In the absence of sufficient knowledge thus

Far as to the present condition of Territorial Finances, no recommendation from the Executive will be expected.

Corporations

During the early organization of this Territory, great numbers of special Charters were granted. An act approved January 4, 1864, with its supplemental act approved January 10, 1864, provides a uniform mode of organizing Corporations, the provisions of which now make the law on that subject. On March 2, 1864 Congress prohibited Territories from granting Private Charters or special Privileges, but provided for Associations for Mining, Manufacturing and other industrial pursuits, by general incorporation acts. By another act of June 10th 1872 the right of Association with Corporate powers, was extended to the Construction and operation of Railroads, Wagon roads, irrigating ditches, and the Colonization and improvement of lands in connection therewith, or for Colleges, Seminaries, Churches, Libraries, or any benevolent, charitable, or scientific Association. It follows that since March 2, 1864, the Legislative Assembly has had no power to grant special Charters of incorporation and that all action in that direction is void.

Though not complete or explicit the present law has been found adequate to the limited wants of a new Country relying rather upon the industry and enterprise of its Citizens than the more complicated and efficient Agency of associated Capital. We are outgrowing that condition and find it

indispensable to other inducements to large capitalists to invest in our public improvements.

The Construction & operation of Railroads & Canals involves the necessity of securing rights of way over public lands, & streams as well as lands, public & private.

Without such rights, works of this character are impossible.

While a state cannot exercise its sovereign right of eminent domain and authorize the taking of the lands of a citizen for the benefit of others, without his own consent, it can do so for the public use of the whole people. A Railroad or other work that is to be a public easement or highway, and to have the rights (and obligations) of common carriers may, under proper provisions of law, draw to itself so much of the attributes of sovereignty as to take private property, making just compensation thereof. It is therefore recommended that a law be passed at your present session prescribing the manner in which right of way & necessary grounds may be obtained by purchase, or by condemnation before appointment of commissioners to be appointed by the courts. It may be safely assumed, that Congress intended, in its liberal grant of power respecting incorporations within the territories to concede the right of eminent domain so far as to render legislative grants effective, notwithstanding the absence in a territorial government of the characteristics of sovereignty supposed to reside in a State.

Statutory Amendments

① A revision was made at the last Session for a revision & publication of the territorial

laws under the supervision of Commissioners. It will be observed on reference to the law of January 15, 1864, that such acts as the Commissioners should select & print in the proposed Volume of laws, were declared to be in force, while other acts which might not be designated by them for such publication, were declared repealed.

Nothing is plainer in law than the principle that a purely personal trust, without power of substitution, cannot be delegated nor exercised by another. The making of laws is one of the most sacred & dignified of all trusts. The representative alone can act, & he alone is responsible to his Constituents. The Act referred to, does evidently attempt to vest the Commissioners with Legislation functions. It would follow that laws omitted & by consequence apparently repealed, are yet in full force; & it may be discovered that provisions not now in force have found their way into the now recognized body of territorial law. It is suggested that this evident error be healed without waiting for correction by the Courts at the end of expensive litigation.

An Act was passed January 11, 1864, giving Justices of the Peace authority to appoint Commissioners to award damages to owners of real Estate proposed to be taken for right of way in extending irrigating ditches. As, by a law of Congress, Justices of the Peace are denied jurisdiction in which the title to the land or the boundary thereof may come in question, it would seem advisable to vest that power in a Court of record.

Congress provides by law that Justices of the Peace may be elected by the people in such manner as the Legislature may provide. Although Justices of the Peace have been uniformly elected in the several Counties, and have performed the usual duties of their Offices without hindrance there does not appear any enactment providing the manner of their election. It may be well to carry the permission act of Congress into effect, so that sufficient warrant for the election of these Officers may be had, and their duties discharged under proper sanction than mere color of law.

Attention is invited to that anomalous provision of "An Act Concerning District Attorneys" Approved January 14, 1845, which requires the salaries of those Officers to be paid on direct orders of the District Judges, instead of the usual Comptroller's warrants. The Comptroller is the only general accounting Officer of the Territory. He is required to keep a full account of the public receipts, expenditures and debts; to settle the accounts of all persons having claims against the Territory, upon vouchers presented to him; to issue all warrants in payment; also to report to the Legislature the true condition of the Territorial accounts. Furthermore a Judge is not an accounting Officer. He cannot issue a territorial warrant. The Treasurer has no authority to recognize his order by registering it, or paying interest on it - nor in strictness of law to pay it at all. Under all registered warrants are paid. As it now is the holders of Judges orders are at a disadvantage and the Comptroller has not the means in his office of auditing, keeping and reporting all the public accounts. It is recommended that the former practice

be restored & this class of claims adjusted upon proof of service, by Judges Certificate or otherwise, & discharged by Comptroller's warrants, as the law evidently intends. It is recommended that the laws for the settlement & distribution of the estates of deceased persons be so amended as to lessen the costs of Administration & more strictly define the duties & Compensation of Officers & others charged with those duties. The present laws afford room for gross abuses & the Consumption of Estates whereby heirs & legal representatives may suffer spoliation without remedy. This is rendered doubly necessary by the fact that great numbers of our most enterprising men come here in advance of their families to establish their business & foreign homes. It is liable often to occur that large Estates come, or ought to come, under the protection of prudent laws, so that distant families and heirs may have opportunity to assert their rights.

May not the laws providing for the selection, service & Compensation of grand & petit Jurors be made more clear & efficient by careful review and amendment?

It appears that Judges Holding Courts in other than their own districts, have not now the proper jurisdiction to hear motions in Vacation in cases tried by them in term. And it is worthy of inquiry whether it is not better than Vice of Exception & motions for new trials should not be settled in term without the dilatory period of notices, appearances, arguments & interlocutory

Orders, which drag through each succeeding vacation, to the sacrifice of time, the annoyance of Attorneys &c, too often the ruin of Clients. In nearly all such cases, questions can be settled at the same term; time beyond the term in extraordinary cases to be given in the discretion of the Court.

That system of government is best which is felt the least & that legislation most wise & beneficent which renders litigation unnecessary, and when unavoidable, affords way for the ending of controversies at the least expense & in the shortest time consistent with justice.

A careful review of the election laws is recommended in order that the security of the franchise may be preserved and the dangerous controversies which have recently prevailed in other portions of the country, avoided.

Partial Legislation, quite too common in new Communities, seems to have prevailed here to an injurious extent.

Often, Counties & even Precincts, are exempted by proviso, from the operation of general laws intended to be applicable to all. And separate enactments are found, relating to particular Counties, as if there were a race of diligence to get the advantage of the other. All laws of general application should be uniform in their operation. Otherwise confusion & jealousy & actual injustice will result.

The Reports

The reports of the Comptroller, Treasurer and Superintendent of Schools, which will be laid before you are commended to your consideration. So far as known to the Executive during a brief incumbency, those officers

have performed their duties with fidelity
 careful attention is invited to the facts
 they present and the inferences
 suggested by their experience. It is
 hoped that the laws may be so amended
 as to make it the duty of all Officers
 of Counties and School Superintendents
 to make full and circumstantial reports
 of all facts and statistics asked for;
 without which, the territorial Officers
 find it impossible to report as fully
 as is desirable for the information of
 the Legislature and the people at large.

It may not be in the power of the
 General Assembly, nor may it be wise,
 to undertake, within the short period
 of your sitting, allowed by Congress, to
 enter upon all the topics to which
 reference has been made. It is better
 now, to cure defects in the existing
 body of law than to cumber the records
 with new enactments, perhaps themselves
 needing amendment.

Gentleman - may har-
 mony, wisdom and patriotism govern your
 deliberations. With a sincere desire
 to aid your generous service the
 Executive joins to you, as the good
 people of Idaho have given to him -
 a heartfelt welcome.

M. P. Drayman
 Executive Chamber
 Boise City Dec 4th 1896

Veto Message

Territory of Idaho
 Executive Department
 December 16th 1886

To the Hon E. S. Reilly, President of the Council:

The Council "Concurrent Resolution No 2" creating the Office of Journal Clerk for the present session prescribing the mode of filling such office by the respective Houses over the duties and compensation of such office is respectfully returned without approval for the following reasons:

It is very evident that Congress, having regard to the feeble condition of the Territories, intended to provide for the payment of all their Legislative expenses out of the National Treasury, thus far relieving the people from burdens likely to prove oppressive. The provisions made in Section 1861 of your Organic Law, allowing each House four Clerks with ample compensation from the United States is one of the prominent evidences of this purpose. As if to confirm this generous intention, and make it obligatory as well as advisory, doubtless moved thereto by the disregard of it manifested in extravagant appropriations by Territorial Legislatures, it was provided in other enactments now in force in this Territory, as follows:

"Section 1855. No laws of any Territorial Legislature, shall be made or enforced by which the Governor or Secretary of a Territory or the Members or Officers of any Territorial Legislature are paid any compensation other than that provided by the laws of the United States."

"Sec 1888 No Legislative Assembly shall

in any instance, or under any pretext, exceed the amount appropriated by Congress for its annual expenses.

It is respectfully submitted with due deference to the conclusions reached by the General Assembly, in passing this resolution, that the prohibition contained in Section 1855, Act 1888, is unconditional & absolute in this case, & in all like cases. It logically follows that every Legislative Expense must be paid out of the appropriation, which Congress may in its wisdom make, & not to exceed the amount of those appropriations. Our resolution creates an office. The officer on the instant of his office appointment or election, comes within the positive prohibition of Section 1855; It is conceded that the history of our Territorial Legislation affords abundant precedent for this resolution, in appropriations outside of & not contemplated by the laws of Congress. It is equally true, that the Territory is now in debt over one hundred & thirty-five thousand dollars; the direct result of this species of Legislation. Is it not more wise to follow the law, than such precedents?

Reference is made to Section 1844, of the organic Act, making it the duty of the Territorial Secretary, to record & preserve all the laws & proceedings of the Legislative Assembly. The book made by him is the official record of Legislation & the laws, for the use of the Government, and for permanent preservation. The proceedings of the Houses being carefully written in rolls by their

Clerks; read each morning for Correction signed by the presiding officers; attested by the chief clerk, and then delivered daily to the Secretary, and to be copied and made a matter of record - the Journal rolls to be filed and preserved in his Office. In this way, the records required by law can be made and preserved at the proper cost of the United States.

Respectfully Your Obedt. Servt
 W T Brayman
 Common

[Not delivered to Gen Assembly.] 39

Executive Department
Territory of Idaho
Boise City Jan 12/1877

Hon E. J. Bratty
President of the Council

Sir:

"An act to provide for the management
and distribution of all the arms accoutrements
ordnance and ordnance stores appropriated
by the United States for the use and benefit
of the Territory of Idaho, and to repeal certain
acts"

is respectfully returned, without opinion
for these reasons:-

The Constitution of the United States
makes it the duty of Congress "to provide for
organizing, arming and disciplining the militia"
and "to provide for calling forth the militia
to execute the laws of the Union, suppress
insurrections and repel invasions"

Under the law of 1808, Congress makes
annual distribution of "arms and equip-
ments for the whole body of the militia" to
the several States of the Union according
to the number of their Representatives and
Senators in Congress respectively; and to
Territories "under such regulations as the
President may prescribe."

Among the very first duties - which
are inseparable as well - of American
Citizens, and being organized into Territories
and States is the establishment of a militia
system, whereby each may stand in his
rank and place, to be called to the service
of his Country in time of danger. Such
a provision finds mention in the earliest

Forms of Constitution and law in all our Political Commentaries. Of all these it is to be regretted that Idaho alone, after a Territorial Existence of fourteen years, has refrained from consenting to its share in providing for the common defence by placing its able bodied men in the ranks of any lawful military organization.

All arms and equipments are furnished solely for the purpose of arming and disciplining the Militia ^{and as Idaho has no militia} it would seem that my predecessor went premature in making requisition upon the War Department, for the reason that the Territory had not, nor yet has now any lawful right to ask for arms, nor any lawful way of using them when obtained. The Governor into whose custody these arms came, is an officer of the United States, and responsible to the government for their application to proper uses. By courtesy of Congressional and Territorial law he is Commander-in-chief of the Militia, but thus far a general without an army.

These arms are not the property of the Territory. They are held in trust for a particular purpose, which purpose the Legislature Assembly has not made effective. My predecessor went beyond their authority in lending and otherwise disposing of these arms. If placed in the custody of ^{representatives of} Civilian Commissioners those officers cannot lawfully dispose of a single Cartridge. They are not Military Officers. They cannot create a Militia. These arms are not for promiscuous distribution any more than the books in your Library or the dollars in your Treasury.

The cost of transporting these arms

to the Counties would be ten times as great as keeping them together under united to arm a militia. And the danger of loss in few depositories is greater than in one. Why not enact a statute law enabling the Governor to organize ^{and equip} Companies in the Counties, thus suspending the intentions of Congress, relieving him of the care of these arms by placing them in the hands of Citizens - Soldiers of Idaho?

This bill having come to hand within the last three days of the session, might have been suffered to slide in silence, but it is deemed more just to the Executive and more respectful to the Legislative Assembly, to afford the Houses an opportunity to review the objections here presented.

Very Respectfully
 Your Obedt Servt
 M Brayman
 Governor

Executive Department.
January 12, 1844.

Hon: E. S. Reilly,
President of the Council.

Sir:- "Council Concurrent Resolution" (without
a number) is returned without approval.

It is suggested
that the Per, diem which is paid the Indigary
as an Officer of the Council, covers the service
for which allowance is made.

And, that, as the motivation related to
the official transactions of the Marshal of
the United States, who is keeper of the
Penitentiary, and charges growing out of it
fall upon the United States - not upon
the Territory

Respectfully,
Yours Obedt Servt

W. T. Freeman

Executive Department
 Idaho Territory
 Boise City I. T. June 18 1877.

Major Collins, U. S. A. Commanding at Fort Boise, has official information and orders of this date from Gen Howard, at Lapwai, through Col Grover at Walla Walla, that hostile Indians are in arms, murdering and ravaging; and as far as reported, have killed twenty-nine settlers in the neighborhood of Lapwai; and are on their way, over one hundred strong, to Southern Idaho, by the Salmon river and Weiser valleys; pursued by U. S. troops. Major Collins has orders to intercept them. Being without adequate force, he applies to me for aid. It is well known that the Legislature of Idaho has thus far refused to enact laws organizing the Militia - leaving the Governor without authority to command the necessary aid, or appropriate money or arms, to the public defense.

Yet, the public safety requires, and I take the responsibility of calling for One Hundred Volunteers, to report at once to Major Collins at Fort Boise - to be enrolled for temporary service; to be furnished with arms and equipments, and supplied with provisions for the expedition, and to march tomorrow morning under his command. It is hoped that by a prompt movement the savages may be intercepted and our settlements rescued from peril.

It is necessary that each man furnish his own horse and its equipments. As to compensation for this particular service, the Governor has no authority of law to bind the United States or the Territory. Such ^{service} is usually provided for by Congress through the War Department. The best men only are wanted; as many as possible who have seen rapid marching and gallant fighting, and are acquainted with the country.

W. W. Chapman
 Governor.

Rutherford B. Hayes
 President of the United States of America

To all to whom these presents shall come
greeting;

Know Ye, That reposing special trust
 and confidence in the Integrity, Diligence
 and Discretion of Robert H. Siddbotham
 of Idaho, I have nominated and by and
 with the advice and consent of the Senate
 do appoint him to be Secretary of the Territory
 of Idaho, and do authorize and empower
 him to execute and fulfill the duties of that
 office according to law and to have and to
 hold the said office with all the rights and
 emoluments thereunto legally appertaining
 unto him the said Robert H. Siddbotham
 during the term of four years from the 29th
 day of April 1878 unless this Commission
 be sooner revoked by the President of the
 United States for the time being.

In Testimony Whereof I have
 caused these Letters to be made Patent and
 the Seal of the Department of the Interior
 to be hereunto affixed.

Given under my hand
 at the City of Washington the ninth Day of
 May in the year of our Lord one thousand
 eight hundred and seventy eight and of
 the Independence of the United States of
 America the One Hundred and second

By the President R. B. Hayes
 O. Schurz

Secretary of the Interior

Executive Office of
 Boise City Nov 8 1878

Thanksgiving Proclamation By the Governor of Idaho Territory.

In Colonial times, and during our earlier history, it was the custom of the Governors of the respective States to invite their people to the observance of a day of Thanksgiving in recognition of the Divine goodness.

But, more recently, as the Country was approaching the end of Civil Conflict, and the song of promised peace appeared, a patriotic President recognizing the fitness of this observance made it National.

Now the day has a deeper significance - one Country, one Constitution, one flag - the undivided allegiance of a free people to one Government: that, their own.

This day celebrates free thought, free speech, free schools, freedom of Conscience, and the unchallenged right of every man to be the equal of every other. On this day, all people, the rich and the poor, the high and the lowly, the dwellers in happy homes, and the stranger who stands at the gate, are invited to assemble around a common Altar where Thanksgiving and praise ascend to the Great Author of Good, for the blessings, that, morning and evening have fallen from His hand:

The President of the United States has by Proclamation, designated Thursday, the twenty ninth (29) day of November, next to be observed as a day of Thanksgiving to Almighty God, for the manifold blessings and mercies which have crowned the year.

It is, therefore, recommended to the good people of Idaho, that on that day, they suspend their usual employments, and assemble in their accustomed places of worship, and

Then unite with heads of families and
 goodly teachers, in devout prayer and praise
 giving thanks for the past, and imploring
 forgiveness and protection in behalf of
 our homes and country in coming years.

In testimony whereof I have hereunto
 set my hand and caused the Great Seal
 of Idaho Territory to be affixed, attested by
 the Secretary thereof.

Done at Boise City, this
 Eighth day of November A.D. 1878.

E. L. S.

Attest

W. W. Weyman

Governor of Idaho

E. H. Smith
 Secy I. T.

In the Governor Election Proclamation 1878

Executive Department
Idaho Territory
Boise City Sept 30th 1878

To all whom it may concern
Know ye that I Messrs Breymen
Governor of the Territory of Idaho in
obedience to the law do hereby appoint
and order the holding of a General Election
at the proper voting places in the several
Counties of said Territory on Tuesday
after the first Monday in November
next being the fifth day of said month
in the year 1878 for the Election of the
following officers to wit:—

One Delegate to
represent said Territory in the Forty
sixth Congress of the United States:

One District Attorney for the First
District comprising the Counties of
New Perce Idaho and Shoshone:

One District Attorney for the second
District comprising the Counties of Boise
Almas and Lemhi:

One District Attorney for the third
District comprising the Counties of
Ada Bear Lake Oneida and Pzhee:

Members of both branches of the
Tenth General Assembly to convene at
Boise City on the second Monday being the
thirteenth day of January A.D. 1879
as follows

Ada County two (2) members

of the Legislative Council and Five (5) members of the House of Representatives:

Alturas County one member of the Legislative Council and two members of the House of Representatives;

Bear Lake County one member of the Legislative Council and one member of the House of Representatives;

Boise County two member of the Legislative Council and five (5) member of the House of Representatives;

Idaho County one (1) member of the Legislative Council and one (1) member of the House of Representatives;

Lemhi County one (1) member of the Legislative Council and ~~two~~ (2) member of the House of Representatives;

Leaf River County one (1) member of the Legislative Council and two (2) members of the House of Representatives;

Oreida County one (1) member of the Legislative Council and two (2) members of the House of Representative.

Owyhee County two (2) members of the Legislative Council and five members of the House of Representatives;

Shoshone County one member of the Legislative Council and one (1) member of the House of Representatives.

Also all other officers required by law to be elected at said General Election.

In testimony whereof hereto set
my hand and caused to be hereto affixed

the Great seal of said Territory
of Idaho attested by the Secretary
thereof:

Come at Boise City this
thirteenth day of September in the
year of Our Lord 1878

Attest

R. H. Sidebottom
Secretary of Idaho

Executive Department
Boise City ID

Executive Department
Boise City December 5th 1878

To whom these presents may come
Greeting

Whereas

A general election within and for the Territory of Idaho was held on Tuesday the fifth day of November in the present year One Thousand Eight Hundred and Seventy Eight - That being the day designated by law for the election of one Delegate to represent said Territory in the House of Representatives, being of the Forty sixth Congress of the United States - That is to say for the term of two years from and after the fourth day of March next in the year one thousand eight hundred and seventy nine

And Whereas

At a canvass and inspection of the returns of the votes cast in the several Counties of said Territory at such election made in my presence according to law it appears that

George Similie Egan a citizen of said Territory duly qualified did receive a majority of all the votes lawfully cast at such election, as appears by the returns thereof duly certified

Now Therefore

Know Ye

That I Messrs. Brammen Governors of said Territory of Idaho do hereby certify and declare that George Similie has been duly and lawfully elected a delegate of and from the said Territory of Idaho to and in the House of Representatives of the Forty sixth Congress of the United States for the term of two years from and after the fourth day of March next

eighteen hundred and seventy nine: and
 is thereby entitled to all the rights, honors,
 privileges and emoluments pertaining to
 said office.

In testimony whereof I have
 hereunto set my name and caused
 the Great Seal of the Territory of Idaho
 to be hereto affixed attested by the Secretary
 of said Territory

Done at Boise City
 this 5th day of December one thousand
 eight hundred and seventy eight

Attest
 E. A. Sibley
 Secretary

A. B. Bryan
 Governor

Certificate of Election

James W. Poe

Executive Department
Idaho Territory

In compliance with the laws of Idaho Territory providing for the election and qualification of District Attorneys and in conformity with an Act of the Legislative Assembly defining their duties and their respective Districts Approved January 14th A D 1873:

I do hereby certify that at a General Election held in said Territory on the Fifth (5) day of November A D 1878 (that being the time prescribed by law for holding said General Election);

That James W. Poe Esq received six hundred and twenty four (624) votes for District Attorney of District No. 1 as defined by law and that being the highest number of votes polled for any one person for said office in said District he is therefore declared duly elected to the office of District Attorney in and for said District No. 1 comprising the Counties of Benewah, Blaine and Shoshone of said Territory of Idaho according to the returns made and received by the Secretary of Idaho Territory and opened and taken up by R. A. Lillard then the Clerk of said Territory and by E. D. Chase United States Marshal of the District of Idaho Territory in my presence on this Fifth (5th) day of December A D 1878 which said returns are now on file in the office of the said Secretary of Idaho

Indistimon, whereof I
have herewith to transmit
and caused the seal of said
Territory to be affixed at Boise
City this fifth day of December
A.D. 1878

Attest
R. A. Sibley
Secretary

Governor of Idaho

Certificate of Election

James H. Hawley

Executive Department Idaho Territory

In compliance with the laws of Idaho Territory providing for the election and qualification of District Attorneys and in conformity with An Act of the Legislative Assembly defining their duties and their respective Districts; Approved January 14th A.D. 1875

I do hereby certify that at a General Election held in and for said Territory on the fifth (5) day of November A.D. 1878 that being the time prescribed by law for holding said General Election; That James H. Hawley Esq. received nine hundred and ninety one votes (991) for District Attorney of District No. two as defined by law, and that being the highest number of votes polled for any one person for said office in said District, he is therefore declared duly elected to the office of District Attorney in and for said District No. two, comprising the counties of Boise, Alameda, and Lemhi, of said Territory of Idaho according to the returns made and received by the Secretary of Idaho Territory and signed and sworn to by R. A. Siddons, the Secretary of Idaho, and C. S. Chase, United States Marshall, for the District of Idaho Territory in my presence on the fifth day of December A.D. 1878, which said returns are now on file in the office of the said Secretary of Idaho.

In testimony whereof I have hereunto set my hand and caused the

U.S. seal of said Territory to be affixed at
Boise City this fifth day of December A.D. 1878

Attest
E. H. Anderson
Secretary

Governor of Idaho

Certificate Of Election Willard Crawford

Executive Department
Oklahoma Territory

In compliance with the laws of
Oklahoma Territory providing for the election
and qualification of District Attorneys
and in conformity with an Act of the
Legislative Assembly defining their
duties and their respective Districts
Approved January 14th A.D. 1875

I do hereby certify that at a General
Election held in and for said Territory
on the fifth (5th) day of November A.D.
1878 that being the time that being the
time prescribed law for holding said
General Election, that Willard
Crawford Esq. received eighteen
hundred and twenty three (1823) votes
for District Attorney of District No. 3
as defined by law and that being the
highest number of votes polled for any
one person for said office in said
District he is therefore declared duly
elected to the office of District Attorney
in and for said District No. three
comprising the Counties of Ada
Owens, Cherokee and Deer Lake of
said Territory of Oklahoma according to
the returns made and received by the
Secretary of Oklahoma Territory and by
Ed Chase United States Marshal
for the District of Oklahoma Territory in
my presence on this fifth day of
November A.D. 1878 which said returns
are now on file in the office of the said
Secretary of Oklahoma

I certify that whereof I have
hereunto set my hand and
caused the seal of said Territory
to be affixed at Boise City this
fifth day of December A.D. 1878

Attest
R. A. Noble
Secretary

Governor of Idaho

Governor's Message

Delivered February 5th 1879

Gentlemen of the Council
and House of Representatives

Law and custom impose upon the Executive the agreeable duty of welcoming you to-day and suggesting subjects of legislation. Being of the people sharing their condition and knowing their needs you will be able to enter intelligently upon the work before you.

Events that have transpired within the last two years impose upon this General Assembly grave responsibilities and call for the exercise of careful industry generous forbearance and enlightened patriotism.

The Territory of Idaho notwithstanding the Indian outbreaks which have disturbed the peace of its inhabitants and drenched its soil in blood, though destitute of communication by water craft and railroads and in the face of many disadvantages has increased in population and with the giving promise to a bright and prosperous future.

A short movement

Comprehended by a recent law has made it your present duty to re-district the Territory as to provide for the election of twelve instead of thirteen members of the Council and twenty-four instead of twenty-six members of the House. This object is to be attained by the creation of a new Council and

Representative districts as may be expedient having just regard to populations to be represented. No census having been taken of late years, the number of votes cast in the several counties at the recent election of Delegate to Congress will indicate with fairness the changes necessary to be made. As the proportional increase has been unequal in the several counties a radical change in the strength of their representation will follow - an adjustment requiring great care and a spirit of generous accommodation, to the end that all may share justly in the legislation of coming years.

By the same Act of Congress, the officers of the two Houses are reduced to one Chief Clerk, one Enrolling and Engrossing Clerk, one Sergeant-at-arms and Door-keeper, one Messenger and Watchman, and one Chaplain each. A material reduction is also made in the per diem of members and officers. Under construction of the Treasury department the law providing these changes in compensation, and in the number of subordinate officers of the two Houses, applies to the service of the present session.

It is proper to remind the General Assembly that the great reduction made at the last session of Congress in appropriations for Territorial expenses will lead to serious embarrassments unless speedily cured by new appropriations to cover inevitable deficiencies. Under existing organic laws, no expenditures can be made nor debts contracted to be paid by the United States, without specific appropriations therefor; nor can the General Assembly supply such deficiencies by appropriations from the Territorial Treasury. A further appropriation is expected to be made by Congress, obviating the alternative that would otherwise be presented of shortening our session.

or proceeding without compensation. This condition of things is not peculiar to Idaho but bears upon all the Territories.

Finances

The financial condition of the Territory demands enlightened foresight and constant care. The contraction of debts in view of means to be paid by posterity seems the misfortune often the crime, of governments, national, state, territorial and municipal. Idaho has not escaped the infection of this bad example. To recover from such a condition is a paramount duty. A debt of undue proportions affects the credit of a government and is a reflection upon the prudence of its management more especially when the money thus obtained, is wasted without permanent benefit. Emigration - untried only shows a country burdened with debt, suggesting heavy taxation. The most loyal citizen shrinks from contributing of his hard earned income, for the discharge of obligations not of his contracting, and for which there appears no corresponding benefit.

Much was done at the last session of the General Assembly, towards securing greater efficiency in collecting the public revenues and economy in their expenditure. Notwithstanding the obstacles in the way of immigration, the injury to crops by untimely frosts and voracious insects, and the widespread distress and disturbance caused by Indian hostilities, there has been a gratifying improvement in our financial condition.

For the year 1876, the reported valuation of real and personal property was \$4,381,277.49. For 1878 the amount is \$4,558,834.50, adopting for Lemhi County which neglected to report its valuation for 1879. This shows an increase of

\$176,557.04

The total amount of taxes levied for 1876 was \$114,198.45 - for 1878, \$114,274.92 adopting the levies of 1876 for Bear Lake and Lemhi Counties which have neglected to report, an increase of \$76.47.

For the years 1875-6 the receipts from all sources were \$1,674,28. For the years 1877-8 the receipts from all sources are \$78,925.81; a gain of \$17,251.53 which gratifying fact is due in great measure to the laws of last session improving the efficiency and economy of that branch of the service.

Including the sum of \$9,476.77, in the treasury Dec. 1, 1874, the amount available for the service of 1875-6 was \$71,351.05. Including the sum of \$15,854.75 in the treasury Oct. 31, 1876, the amount for the service of 1877-8 was \$94,780.56 - increasing the amount available for 1877-8 over 1875-6 by \$23,429.51.

The total disbursements for all objects for the years 1875-6 was \$55,496.30; for 1877-8, 87,510.49 - an increase of expenditure of \$32,014.19.

Two years since our entire coin debt was reported at \$71,384.45, the greater portion bearing interest at the rate of twelve per cent per annum, the bonds representing the principal being past maturity, and several thousand dollars of interest unpaid. Under a law of the last session this dishonored indebtedness was funded in fifteen years bonds, bearing interest at the reduced rate of ten per cent. Our gold debt now stands at \$70,144.92, a reduction of \$1,241.53.

It is a subject of congratulation that this portion of our indebtedness, which, two years ago was not worth ninety cents on the dollar, is now at par in gold, and sought by capitalists as a first-class investment, the semi-annual interest of which is amply provided for and promptly paid.

For purpose of intelligent comparison, the

foregoing figures lose much of their value, in the want of uniformity of time compared in the financial reports furnished. For example, the Treasurer's report for 1873-4 closes December 1, 1874, covering two years. That for 1875-6 closes October 31, 1876, covering a period of one year and eleven months, while the report now submitted closes December 20, 1878, covering two years, one month and twenty days.

It is suggested that the law be so amended, as to fix a day certain, on which the financial reports shall begin and end, each covering, and not exceeding, the transactions of recognized fiscal years.

The last message to the General Assembly, in addition to recommending the refunding of the coin debt, suggested also, the conversion of the currency debt represented by outstanding warrants, into time bonds, payable in currency. It was not however, deemed wise to urge that measure, until the success of the other was assured, and the result of bills then pending for increasing the revenue, could be known.

It is now directly and earnestly recommended, that an act be passed for refunding our entire warrant debt in fifteen years ten per cent bonds. No loss will follow their being made, like the others, payable in coin, as currency, which two years ago was at ten per cent discount is now practically equivalent to specie. The bonded credit of the Territory is no longer at a discount. The salutary amendments to the revenue laws, adopted at the last session, and the increase of taxable values, will justify the measure. It is confidently assumed that, without increasing the tax rates, and by careful economy in appropriations, we can pay regularly and promptly, the interest on our entire debt, and defray the current ex-

expenses of the Territory. This will enable us to pay as we go, so that all warrants issued may be cashed at once at the Treasury. Two years ago, salaries and claims depending on fixed appropriations were worth but seventy per cent. in currency, or fifty in gold. Parties having such claims then received full payment by adding to the amount sufficient to make the equivalent.

A plain statement will show the economy and saving which this change secures. From October 1876 to November 1878, both inclusive, twenty-seven months, we paid the United States, the sum of \$12,050,00 cash; for keeping territorial prisoners. To make this sum, we issued and disposed of warrants in the sum of \$15,301,22. At the end of four years, the average life of warrants under our system of redemption, the payment of these warrants, with accumulated interest at ten per cent, will require in cash \$21,421,70. The sum paid to the United States with like interest for the same time, would amount to \$16,870. In this way is a penalty of \$4,551,70 paid for being in bad credit. This illustration will serve in all branches of territorial expenditures. We actually pay seventeen per cent instead of ten - the larger portion of the loss falling upon the taxpayers at large; the remainder taken directly from the pockets of public officers and others who are paid by fixed appropriations.

Cash payment of warrants upon their issue, will enable the legislature to repeal the law fixing interest upon them. Those now holding warrants will be eager to effect the exchange, as the bonds they receive, being at par and recognized as an investment equal to our former issues, can be easily converted into cash abroad as well as at home, with the additional advantage of receiving their inter-

est semi-annually, instead of waiting as now, until the final redemption of the warrants. This measure will inflict loss upon none, unless it be those who make a business of buying and selling warrants upon speculation.

It is recommended that the revenue laws be carefully examined by your appropriate committees, not with a view to radical changes, but that still greater economy may be introduced into the service.

You will find in the returns laid before you, that the cost of collection retained out of the levy, is much greater in proportion in some countries than in others, the reason of which is not sufficiently apparent.

It is suggested whether the taxes of delinquents cannot be collected by a more summary process, than the bringing of separate suits against each. Law suits are expensive, and it is often the case, that when compelled to leave or lose his property, the delinquent finds the cost exceeding, sometimes ten times over, the original sum due. It may be safely assumed that of the sum coming from the people, not one half finds its way into the Treasury.

Frequent complaints are made of the mode of assessing improvements upon public lands - that apparently, the value of the soil itself is taxed. It must not be forgotten that the land policy of the United States is based upon humane and well chosen considerations. The right of entry and pre-emption, under various forms, is given for the purpose of furnishing homes for the landless, and drawing into our Territories, the industrious poor. This benevolent design bears fruit, in the organization of orderly and enterprising communities, composed of those whose wealth lies in brave hearts and strong hands.

Territories spring up - States succeed. The boundaries of our American civilization and the blessings of free government have, under this fostering system, moved westward, in triumphant march, checked only by the shore of the western ocean. In order to protect the settler as far as possible, as well as to preserve its own proprietorship absolute, Congress forbids any sale or encroachment of such lands, and holds its own title perfect until the settler is entitled to his patent. The Territory has no right to levy a tax upon such lands. In taxing improvements thereon, the value of the soil is not to be considered, but only the property of the settler, placed there by his own capital and industry. Instances are mentioned, where poor men have made entry upon public land, expended their small means in the beginning, and have been driven off by the Indians before making a crop; who have been actually taxed, on account of such land, apparently upon its entire value, and these personal effects pursued, taken and sold - the taxes and enormous costs stripping them of every thing and leaving their families penniless and homeless. If these things be true, immigration will be discouraged and our growth retarded. No hardship or exaction should be imposed, not necessary to the efficient collection of sufficient revenue; and the citizen should feel assured that what he pays for the support of his Government finds its way into the Treasury without suffering too great a diminution in the handling.

Mining Interests

Attention is invited to the laws for taxing various and mining interests. Mining lands, not being subject to entry in the usual way, are held by prospectors right under special laws.

and regulations. The value of mining claims is of uncertain and speculative value, as to afford no safe basis of taxation. Under our law, the mine claim is exempt. The propriety of legislation has been severely tried in devising modes of taxing the product, and the matter will doubtless be again agitated.

The precious metals furnish the leading and principal resources of Idaho, and almost its entire articles of export. All other interests are but secondary. Without outside capital, our mines could not be developed, and without mining there is slight inducement to agricultural enterprise. Besides cattle and wool to a very limited extent we produce nothing that in our isolated condition, will bear transportation, except ore and bullion. Farming and all other forms of industry, wait upon mining, and, keeping pace with its growth, are profitable. What exceeds the home demand, is surplus and without a market. This condition of things must last until railroads penetrate our territory and bring us into communication with a business world now beyond our reach. The capital necessary to the development of our mining wealth is not here. We must await its coming from abroad, and by judicious laws and just taxation, invite its stay. While insisting that this industry, like all others, shall contribute its fair proportion to the public necessities, it must be borne in mind that those who follow it come to us voluntarily, not by compulsion, and that we cannot afford to exert from our agency as to cripple the agency upon which all other interests so much depend.

It is recommended that all territorial laws concerning mines be made uniform. The laws of the United States recognize in some degree the regulations adopted by miners for

mutual convenience, in their districts. The width of mine within the limits fixed by Congress, between fifty and six hundred feet, was by Sec. 2, of the act of 1866, fixed by the Territorial Legislature at one hundred feet. By the act of January 9th 1877, passed at our last session, by its terms, made applicable to the county of Linn alone, the width was fixed at three hundred feet. The same law contains repealing clauses which go far to unsettle legislation, and though, not so intended, to injuriously affect the interests of other counties. It is recommended that the existing laws be so amended, as to conform to the flexible rule of Congress, so that locators may take any width between fifty and six hundred feet.

And here it may be proper to denounce, in terms of earnest condemnation the vicious and disorderly practice into which we have fallen, of passing separate and conflicting laws on subjects of common interest, for each of the several counties, as if each were a distinct state or nationality. By this practice each county has its own code of laws, and modes of procedure - destroying all union of interest and harmony of development, and unsettling the practice of the courts. Better, at once, abolish present forms of legislation for the good of the whole; and confer upon County Commissioners the power to enact laws for the government of the counties under their supervision. There are numerous legitimate subjects of local legislation, arising from difference of local circumstances; but in matters affecting alike the whole body of the people, the utmost possible uniformity should prevail. And each member of the General Assembly, instead of being the mere local agent of the county he represents, is the guardian of the interests and honor of all.

Indian Affairs

The history of the past two years adds melancholy proof of the unnatural and dangerous relation which our people are forced to bear to the Indians located within our limits. Including detached bands, the number of savages in Idaho, may be estimated at seven thousand. The lands set apart, by laws and treaties to their exclusive use, comprises 4577 square miles, or 2,927,280 acres; a solid area, more than half as large as the States of Connecticut, Rhode Island and Delaware combined. The greater portion of the reservations are selected from the most valuable of the public lands. They are, in the language of the law, "excepted out of the boundaries, and constitute no part of any Territory." Though within our exterior lines, as fixed by the organic act—though forming a large portion of some of our countries—they are held in reserve for the sole occupancy of a people not only alien in speech, in religion, in laws and habits of life, but, in a great measure, outside of our jurisdiction, nor amenable to our authority. Their soil is held sacred from the intrusion of advancing civilization. By strained construction of the law, the processes of our Courts may, in certain cases, cross the charmed line separating the two races; but it is an undecided question, whether citizens of the Territory, even of the same county, can, with or those reservations, perform the functions of any office, or exercise the rights belonging to citizenship. To be excepted out of a Territory, and to form no part of it, would seem to contemplate utter exclusion.

The treaty-making power is an incident of sovereignty. A treaty is a compact between equal, independent nations. As we maintain diplomatic relations with civilized communities, so do we send embassies and commissions to hunt up those uncivilized

bands, without homes, laws, or tangible political governments, and make treaties with them. Our messengers of good will are often repelled with insult, sometimes slain. To their rude perception our complacency is mistaken for cowardice—our concessions for weakness—our gifts, for tribute paid as the price of peace. We proudly assert our national unity embodied in one free government and symbolized by one flag, and have endured the ordeal of war to maintain it forever. Yet, within our border, we acknowledge an hundred distinct nationalities. In never ending repetition, with unflinching fatuity, we go on making solemn treaties, to be as often broken by one party or the other, then renewed, and again violated, in one unvarying round of force and tragedy.

The present generation is not responsible for this unnatural condition of things. The evil had its origin in the weakness of our colonial ancestors. Yet, with all our growth of power—with all our advance in reducing the theory of republican government to humane and practical results, during two hundred years, we have here lamentably failed. It will not profit to speculate upon our past relations with these people, nor to strike the balance of mutual wrong, perfidy and cruelty. It is time the whole policy were changed. Armed and mounted savages following the chase, having no fixed homes, cannot be civilized. None but radical and comprehensive change can save them from extinction, under circumstances severely reflecting upon our humanity and statesmanship, and entailing intolerable evils upon our exposed population.

The solution of the difficulty may possibly be worked out, in a policy which shall take the place of all treaties, abolish tribal relations,

and place the Indians under the operations of our laws, precisely as their white neighbors, with similar rights and obligations. Reservations, as now held, should be vacated and declared to be public lands. Indians, in compensation for their lands and tribal privileges, might have the first right of selection for a proper length of time, and an equal right with the citizens upon any lands, in quantities sufficient in amount and quality to furnish all with homesteads, without the right of disposing of them for a definite period. To a further compensation, schools should be established, agricultural implements, seeds and domestic animals, if furnished for a sufficient time to enable them to become self-sustaining. All reservation lands not thus selected to be open to general entry. Disarmed if need be of warlike instruments, compelled to live in fixed homes, upon their farms and earn their own subsistence, instead of depending upon the charity of the Government or the chances of plunder and chase, they would be in a situation to test their capacity for improvement and vindicate their right to live. It is needless to add, that ample military forces should be present to secure obedience and keep the peace; for laws, especially those proposing radical reforms, are dead, without support of the strong arm.

The policy of placing Indians upon reservations seems to have been adopted, not only for the purpose of providing with permanent and fixed homes, but to open all the country not thus reserved, to survey, sale and settlement. This plan, if carried into effect, would have cured many of the evils which now weigh so heavily upon both races. The aboriginal races are quick to adopt the vices, but not the virtues, of their neighbors. The Cherokees, Creeks, and

other tribes that inhabit the Indian Territory west of Arkansas, having given up a wandering life and discouraged all admixture with the white race, are now far advanced in civilization. They have an established government, enact and publish laws, erect public schools, religious and benevolent institutions - have asylums for the blind, the deaf, and indigent, \$400,000, maintained by revenue systems and special funds; and manage their affairs with a wisdom and success from which profitable lessons may be derived.

But with us it is different. Whether from policies radically defective, want of sufficient appropriations wisely applied, or from mistaken management, the want of success is painfully conspicuous, and failure apparent in almost every case. Instead of remaining upon their reservations, performing self-sustaining labor, and receiving instruction fitting them for civilized life, they are permitted to roam at large, not alone through unoccupied tracts, but invading the settlements, depredating upon property, burning fences of their camp fires, destroying crops, killing and driving away domestic animals, demanding of unprotected families, food and supplies, under the semblance of begging, but in fact robbery, as the victims, being unable to resist, dare not refuse. It has often occurred that formidable bands, armed, mounted and equipped, have passed for hundreds of miles through our scattered settlements, under pretence of hunting, fishing or visiting neighboring tribes, ending frequently, at an unexpected moment, in pillage and murder, provoking retaliation and actual war. When beaten in fight and pursued, or overtaken by winter, they retreat to their reservations, as to a friendly fortress, and there

perhaps to renew their devastating ravages in the spring. It is recommended that you memorialize Congress to provide by law, that Indians shall be restricted to their reservations, or if permitted to wander the inhabited country, they be forbidden to go in large bodies; and so far disarmed and dismounted, as to be without war material, and incapable of rapid movement.

The Nez Percé War of 1877 and the Bannock War of the last season, furnish proof of the danger here complained of, and justify in our people urgent demands for such change of policy as will avert such calamities as they have suffered. The Bannock War abated from ill success, exhaustion and the approach of winter. There has been no new treaty, no truce, no declaration of peace, no punishment, no restitution. The savages are quiet to-day solely enjoying the hospitalities of the Government upon their reservations - to-morrow, they may be upon our defenseless settlements, re-enacting the horrors of the past years. As it is, our miners, and pioneer farmers, must hold the implements of labor with one hand and the weapon of defence in the other, untill restraining measures are enforced and the army is made strong enough by the addition of numbers to repel outbreaks, instead of watching and pursuing.

Militia Arms

The annual quota of arms accruing to Idaho under the law of 1808, and its amendments, is in cash value \$1,739.38 per annum, furnished in such articles as the Governor may select as most suitable to the service. Since your last session, he has received

from that source, eighty carbines and 2,500 cartridges therefor. Under authority of Resolutions and Act of Congress of dates respectively July 3, 1876, May 3, 1877, May 14, 1878, and June 8, 1878, the Territory became entitled to receive 2,000 Springfield Breach Loading Rifles, and 100,000 cartridges, of which 1,440 arms and 81,500 cartridges were received. All the arms thus received, together with those on hand at your last session, have been, with nearly all the ammunition, distributed during the two seasons of war, to organized companies as far as practicable, and to citizens in imperiled neighborhoods, as the exigency of the service and the dangers impending seem to require.

It is necessary here to call your attention to a subject greatly misunderstood, and to ask for legislation too long neglected:

The laws of Congress contemplate the organization of a local militia, under the laws of each State and Territory. The annual appropriation under the Act of 1808, is declared to be "for the purpose of providing arms and equipments for the whole body of the militia." In strictness of construction, a State or Territory having no militia, is entitled to no arms. The Legislature of Idaho, having thus far, failed to designate and organize a militia, it was through oversight or favor that the requisitions of the Governor have been honored. It is hoped that the present session will not pass without action in this subject.

It is not too soon to correct an erroneous and mischievous impression as to the ownership of the arms and stores we receive from the United States. These are not the property of the Territory, as many suppose, but of the United States. In the language of the Attorney General, to whom the question was submitted— "The

States and Territories, with which arms were deposited under this Act, must be deemed to have held them for a specific purpose only." "They stood, as it were, in the situation of trustees, charged with the distribution of arms, and had no other property therein, than such as was necessary to enable them to perform that trust." "There is nothing in this law indicative of an intention on the part of Congress, to clothe the states with any right of property in the arms hereafter to be transmitted to them." The Chief of Ordnance, January 8, 1847, in reply to an inquiry says, "Ownership of the arms, &c, is vested in the United States, and Territorial authorities cannot sell or otherwise divert them from the use for which they were issued." This condition applies to all arms received. In addition to this the Executive, on receiving the arms secured under special resolutions through the patriotic efficiency of our Delegate, was required to give bond to the United States for their return upon demand of the War Department. In passing the proposed militia law, it will be necessary that this act be approved by the Legislature, and provisions made for the collection, disposal and use of arms already issued to the people, and those yet to be received from the General Government.

In meeting the sudden emergencies growing out of these Indian outbreaks - in organizing companies and regiments - in distributing arms and ammunition - in calling out volunteers, the Executive was compelled to proceed solely upon the very uncertain powers inhering in his office of Commander-in-Chief, held by courtesy of Congress, and by bare recognition of Territorial law. Notwithstanding this uncertainty of his authority - without money, or

the right to create a debt - amidst great and general popular apprehension of danger from Indian attacks - in the face of unexpected and persistent embarrassments, the necessary responsibility was assumed, and the arms and resources placed in our hands, by the Government, so disposed as to put the people in a position to protect themselves and aid the regular forces in conquering a peace. No matter how far statute law may fall short, the great law of self preservation is always in force, and a generous people will never undervalue honest efforts made for them in the hour of danger.

Education

In the organized States, the lands donated by Congress, for the support of schools, have furnished rich provision for that object. In many of them, by wise application of these resources, free schools, and colleges, and universities, as well as are maintained, with little aid from local taxation. Idaho has had, thus far, no such aid. The lands set apart for her use will be, even when they become available, in a great measure, of limited value. The income now drawn from various sources, under Territorial laws, is inconsiderable - sufficient only to maintain common schools a small part of the year. The reports of the County Superintendents, which will be laid before you, will show, what has been done during the past two years. These officers deserve credit for doing so much with the limited means at command and for their fidelity in making returns. The suggestions made at your last session, upon the justice and necessity of providing for the appointment, or election of a Superintendent of Public Instruction, receive additional force from the exhibit now made. So long

as the office is made a mere appendage to another, without compensation - the overruling of which is chosen without special reference to his fitness as an educator, or his interest in the subject - we cannot hope for substantial improvement. Were it not for our large debt and limited resources, you would be urged to place our school system upon a more favorable footing. Congress might, with entire propriety, be asked for an appropriation of money, since the aid intended by the land donation is beyond our reach.

Travel - Transportation

Our location, far from the ocean - our mountainous surface and the rapid and broken descent of the streams, deprive us of the benefits of water communication, excepting a difficult and obstructed outlet for Northern Idaho, through Lower Snake river and the Columbia. Our reliance is upon Congressional appropriations, for the improvement of this channel. Work in that direction is in successful progress, and increasing appropriations are about to be made.

Without railroads, giving access to the interior of the Territory, those who seek homes in our valleys, and resort to our mines, will shrink from the sacrifice of time and labor and expenditures necessary to a dangerous overland journey. Our growth will be slow. Our mines will remain undeveloped, for want of proper machinery, and because, by present mode of transportation, the cost of working will consume the product. Leaving no means of carrying surplus agricultural supplies out of the country, farmers will not come among us in sufficient numbers to fill up our valleys with a rural population.

In the eastern portion, about one hundred miles of road has penetrated as far as Snake river. Hopes were entertained that this was the beginning of a line from Ogden to Portland, along the valley of Snake and Boise rivers. But it is very doubtful whether Montana, and not Idaho, is not to receive the benefit of the further extension of that line. Idaho can offer no subsidies or bonds, to induce such enterprises; but every facility and advantage she can bestow, should be offered. Without railroads, growth will be painfully slow, and statehood postponed to the distant future.

It is suggested that Congress be again and persistently memorialized to build a military wagon road from Boise City to Fort Lapwai. This would bring the now almost divided portions of the Territory together, and obviate the complaint which finds expression in the recent effort to transfer the more northern counties to Washington Territory. Reference to the transportation accounts of the War Department, will doubtless show that the Government has, during the Indian disturbance of the past two years, wasted more money in carrying between the two points, than would have built such a road.

Statutory Amendments

While it is not advisable to undertake a revision of the general laws, to take the place of the very imperfect and expensive volume called "The Code" it is desirable to improve them by amendment when found defective.

It is recommended that the Election laws be carefully examined, especially Sections 29 and 30. The votes are required to be canvassed at the seat of government within thirty days after the election. Messengers

are to be sent, after that time, to bring returns of counties neglecting to forward them; but no provision allows the canvassers to suspend the count until they are received. There is so great a want of uniformity and accuracy in making up returns by the county canvassers as to demand a remedy. At the late canvass, only five of the ten returns were lawfully made. Upon a contest requiring the application of strict legal construction, the canvassers might have found it their duty to throw out the returns of five counties - perhaps (though not in this case) changing the result. It may be necessary that the counties be furnished with printed blanks, and rigidly required to conform to the mode and manner of making and attesting their returns. Nothing should be omitted that will aid in giving true expression to the popular will through the ballot box; and canvassers should not, for want of a clear guide, be compelled to assume dangerous responsibilities.

Section 45 of the Election law, which authorizes County Commissioners to fill vacancies in the office of Justices of the Peace is void - being in conflict with Sections 1859 and 1867 of the Revised Statutes of the United States, which require those officers to be elected by the people.

The present act makes no provision for contesting elections other than for county and precinct officers. It should be enlarged so as to cover all cases arising under Territorial laws, and rules established for trying such issues. And as the purity of the ballot lies at the foundation of the republican system of government, the law should be so precise and comprehensive in its details, and certain in its penalties, as to render mistake impossible and punishment of its violation certain.

The general law concerning corporations, requires such amendment as will provide for the organizing of religious and benevolent institutions. As it is now, it only provides for such as contemplate ordinary business operations controlled by stockholders.

Provisions should be made for the survey and establishment of county lines, and for adjusting or avoiding conflicts of jurisdiction.

Jurors in criminal trials before Justice of the Peace, as well as in all cases should be allowed fees for their services.

The time for taking appeal from judgments of the Probate Court should be more accurately stated - reference being made to the second subdivision of Section 437 of the Act "regulating proceedings in civil cases", and Section 17 of the Probate Practice Act.

A conflict is apparent between the first subdivision of Section 315 of the Probate Practice Act and Section 11 of the Act "Defining the rights of Husband and Wife" respecting their shares in each others property, upon the decease of either.

There is evident conflict between the provisions of the Criminal Practice Act - Sections 193 to 200, inclusive, and an Act concerning grand and petit juries. Section three of the last named Act provides for only one grand jury for each year, whereas, in counties having more than one term annually, an additional selection should be made, instead of resorting to the summary and objectionable mode designated in Section 27 of the same Act.

By provisions of Section 445 of the Criminal Practice Act, fines and forfeitures may be applied in payment of costs - while Section 475 requires costs in addition, and their collection as in civil cases. The two sections do not harmonize.

Confusion, litigation and embarrassments result from these discrepancies, and contradictions in the body of the law. In some cases, conscientious Courts are compelled, in order to do justice, to decide what the law ought to be, when the language fails to show what it is.

Gentlemen of the General Assembly, the Executive gives you assurance of cordial, and full co-operation; and, commending you to the care of Divine Providence, looks with confidence, to a harmonious session, and such results as will be an honor to yourselves and a blessing to your constituents.

M. Brayman

Executive Department
Raice City Jan. 13th 1879

Executive Department
Idaho Territory
Boise City, Feb 6, 1879

To the Hon. V. B. Willey,
President of the Council

It is deemed proper to call the attention of the two Houses at the earliest moment to the following matter:

It is the settled paramount law of Congress, sustained by official instructions, that no expenditures can be made, nor debts created in a Territory to be paid by the United States, other than provided by law and specific appropriation. Also, that no subordinate officers of the General Assembly are allowed, beyond those named by Act of Congress; also that the General Assembly has no authority to pay, by appropriation from the Territorial Treasury, any compensation for such additional or extra service.

On these points reference is had to sections 1250 and 1888 of the U. S. Revised Statutes, and to the accompanying communication (A) from the Interior Department, explanatory thereof, dated Jan. 27, 1877. Also to the law of the last session relating to Government in the Territories²² on page 123 of the pamphlet volume, and to the accompanying letter of instruction (B) from the Treasury Department, containing the construction of that Act by the First Comptroller.

This law is so inartistic in form and ambiguous in phraseology, as to justify doubts of its meaning, but the instructions of the First Comptroller are distinct and direct and govern the case. It is to be regretted that Congress, in its profound desire to introduce greater economy into the public service should have selected for reduction the pay of members and officers of the Territorial Legislatures.

It is proven by all experience that when men-
bers are required to serve upon inadequate com-
pensation, it is only the rich who can bear
the expense, or those having no employment,
who can afford to accept office; to often gov-
erned in either case by considerations not fa-
vorable to safe legislation the middle class, men
of moderate means engaged in business, not
willing to submit to the anxiety and loss in
their own affairs which must result.

Under the construction of the Host Comp-
troller, referred to, the per diem of members and
officers of the General Assembly, and the num-
ber of such officers are, it is apprehended so ma-
terially reduced as to endanger the efficiency of
the service. The expenses of living, traveling-
expense, of almost every comfort and luxury
of life, are vastly greater in the Territories than
in the older States. Members of the General
Assembly are compelled, at an inelephantic ex-
pense, to travel hundreds of miles, by circuitous
routes, and often, across mountain ranges, on
horseback - sometimes on snowshoes, to reach
the Capital. Laborers in the mines, and near-
ly all classes of mechanics in our towns, receive
larger compensation than members of the
General Assembly. The depression in all busi-
ness for the past few years, does not permit the
election districts to furnish members who can,
under such circumstances, be induced to per-
form legislative duties at an expense to them-
selves greater than the lawful emoluments
they receive.

The reduction in the number of officers
of the House is equally unfortunate. The
Chief Clerk is now allowed no assistant.
Toward the close of a session, more especial-
ly, it is impossible for one clerk, sitting at
his desk constantly, to perform the actual man-
ual labor required. Another of his indispen-

able duties, consists in bearing and announcing messages to the other house, which as business accumulates, requires absence from his post almost incessantly. As the clerk cannot be in two places at once, the business of the House must be suspended during his absence, or go on without record or vote of its proceedings. It is equally impossible for the one officer now allowed, to perform acceptably, the double and distinct duties of Sergeant-at-Arms and Door-keeper. The duties of Engraving Clerk and of Enrolling Clerk, are not so unlike as those before mentioned; but it will be difficult, perhaps, impossible, for the most expert and industrious writer, to dispatch the business that falls upon the closing day of a session.

It ought not to be forgotten that Congress intends to carry the theory of retrenchment into such rigid practice as to straiten or cripple the Territorial Legislatures to the extent that they cannot, during the short space of forty days allowed them, once in two years, perform their work with due efficiency. It is not discovered that other branches of the public service have been thus sorely dealt with. Nor is it conceded that Territories, which are to become States in the future, and which later under burdens and embarrassments from which the older members of the Union are free, are just objects upon which to make experiment as to how far the saving process can be carried, and how little will suffice to sustain bare life.

In order therefore, that this General Assembly and future bodies may be relieved of the embarrassment involved in recent legislation, it is recommended that a joint memorial be immediately adopted and forwarded to Washington through the proper channels, praying for the passage of a relieving act in behalf of all the Territories, and that ever

Delegates be instructed to seek the cooperation
of other Territorial Delegates in urging such
action at the present session of Congress

Very Respectfully
Your Obedient Servant

W. Brayman

Governor

[A]

Department of the Interior
Office of the Secretary
Jan. 27th, 1874

Wm. Mason Brayman,
Governor of Idaho, Boise City, Idaho

Sir

I have received, by reference from
the Hon. Secretary of the Interior, your letter
of the 21st ult, wherein, after stating that the Leg-
islature of Idaho, at its last session, passed a
certain resolution creating the offices of "Jour-
nal Clerk of the Council" and "Journal Clerk of
the House of Representatives" for that session,
providing for the incumbents of offices - a com-
pensation to be paid out of the Territorial Treasury
and that you would the Executive assent to
such resolution you inquire

1st May the Territorial Legislature, after appoint-
ing the subordinate officers provided for in sec-
tion 1861 Rev. Stats, U.S. appoint additional of-
fices and pay them out of the Territorial Treas-
ury?

2nd Do sections 1855 and 1888 forbid such
appointments?

It is my opinion that section 1861 of the

Revised Stats. U.S., enumerated all the officers which it was contemplated that a Territorial Legislature would require, and it expressly provides that "no charge for a greater number of officers and attendants than those there enumerated" * * shall be allowed or paid by the United States to any Territory". It is also my opinion that section 1888 of said Statutes by providing that "no legislative assembly of a Territory shall * * exceed the amount appropriated by Congress for its annual expenses," expressly prohibits the creation of such officers as were contemplated in the concurrent resolution above referred to, the enactments of which were to be paid for their services out of the Territorial Treasuries. Therefore, answer your first interrogatory in the negative and your second interrogatory in the affirmative.

Very Respectfully,

Charles S. Gorham
Acting Secretary

[B]

Treasury Department,
First Comptroller's Office,
Washington D.C. Dec. 12th 1879

Hon. R. A. Sidelotham,
Secretary Territory, Boise City Idaho

Sir

In your letter transmitting deficiency estimate Legislative expenses in your Territory for the year ending June 30, 1879, you say "After a careful examination of the report of the act of June 12, 1878 under the head of 'Government in Territories' I am convinced

that it in no way effects the next session of the Legislature in the several Territories, and that the number of members, the per diem, and the expenses will be the same as before, and that the changes specified in the act will only apply to and effect succeeding Legislatures.

Since you say you have given the clauses in the act referred to, your careful attention I will not quote them, but will say this; perhaps the more natural interpretation of the language, separate from the context, would be in respect to the compensation of members of the Legislature, that the reduction should not take place until after the adjournment of the next session succeeding the passage of this act. But this is not a necessary interpretation. The words "the several Territorial Legislatures" having been used in the same first clause, the words "the members of each branch of the said Legislatures" in the second clause may without doing violence to the language contained in either clause, be held to apply to members of all the Territorial Legislatures which shall sit after the passage of the act.

A careful reading of the whole provision relating to "Governments in the Territories" shows that this is the correct interpretation. It shows that every clause was meant to have immediate effect so far as might be practicable. Thus, the clause relating to subordinate officers of the Legislature, prescribes the number and compensation of such officers, and repeats the section of the revised statutes relating to the subject. It must, of course, apply to the subordinate officers at the next session following the passage of the act; otherwise there would be no provision regulating the number or compensation of such officers.

The amount of the appropriation for legislative expenses of the Territories, estimating the compensation of members of the Council and House at four dollars a day for each member, approximate nearly to the amount required for those purposes, while if the compensation of members were estimated at six dollars a day for each member, these appropriations would fall much short of the amount required.

The provision for a reduction of the number of members of the several Legislatures would have had immediate application but for the necessity of first establishing Districts from which these officers could be chosen. The limits of these Districts could not be intelligently fixed by Congress and hence the establishment of them was assigned to the next Legislature which should convene after the passage of the act.

It does not seem reasonable that Congress meant immediately to reduce the compensation of the subordinate officers of the Legislature and to reduce the compensation of members who would represent the new Districts to be established, and did not mean to apply the reduction to members at the ~~of the~~ session of the Legislature next following the passage of said act. A careful reading of the debates in Congress and of the changes made in the bill, as respects Government in the Territories during its progress, confirms the correctness of the construction of the clauses referred to in the introductory part of this letter. Therefore the members will receive but four dollars per day.

The construction placed by me upon the clause "that the subordinate officers of each branch of said Territorial Legislatures shall consist of one chief Clerk, who shall receive

a compensation of six dollars per day, one enrolling and engraving clerk, at five dollars per day, sergeant at arms and doorkeeper, at five dollars per day, one messenger and watchman at four dollars per day each, and one chaplain at one dollar and fifty cents per day" - is that the enrolling and engraving clerk shall be one and the same person, that the sergeant at arms and doorkeeper shall be one and the same person and that the office of messenger shall be separate from that of watchman.

In expending the appropriations for legislative expenses of Idaho Territory you will conform to the construction this gives to said clause.

I have submitted to Congress through the Secretary of the Treasury, your statement of the necessity for a deficiency appropriation of \$5,218.00 - after making the deductions required to conform to the law; and have requested the Secretary to forward your letter of explanation together with a statement that I recommended \$4,858, as the amount required to be appropriated.

Very Respectfully
A. G. Porter

Comptroller

Executive Department
 Idaho Territory
 Boise City, Feb. 13th, 1879

Hon. N. D. Wiley
 President of the Council

Sir

Please call the attention of the Council to the following matters necessary to be considered:

The appropriation of arms to the Territory under special acts and resolutions of Congress, to meet the emergency of Indian outbreaks, consisted of two thousand Springfield Breech Loading Rifled Muskets, with fifty cartridges to each. Of these sixteen hundred and fifty have been received and distributed, leaving three hundred and fifty subject to requisition when needed.

A condition of the appropriation required a bond from the Governor, binding the Territory to return the arms upon the demand of the Secretary of War. Bond has been given for those received, upon the understandings entered into by Mr. Kern and myself, that the needed sanction thereto should be given by the General Assembly. A law or joint resolution is therefore necessary, approving the act done, and its repetition on receiving arms from that source in the future.

From the time of leaving the United States arsenal, these arms are a charge upon the Territory for all expenses of transportation and delivery. Three hundred were brought here by the Northwestern Stage Company from Camatta, and one hundred from Kellon, the company advancing the back charges. The immediate necessity of replacing

these means of defense in the hands of the people, demanded the most rapid mode of conveyance. No price for transportation was agreed upon, that being left for adjustment by the General Assembly. The Stage Company collected, by a pro rata charge, a portion of their bill, from parties receiving the arms for service. In one case - that of Lemhi - perhaps Noy Perce also - the county commissioners paid, or became responsible for charges. In others, patriotic citizens performed the service, or by liberal subscriptions, paid the transportation bills.

It is but just that services rendered, and expenses incurred for the benefit and protection of the whole people, should be borne by all in fair proportion. The citizen, of low the poor, with little of worldly wealth at stake, who steps to the front when danger comes, and offers services and life, ought not to be asked to pay for the use of the gun he carries. By refusing recognition of such service, and sacrifice, when danger is past - in the surest way to find them wanting, should the hour of trial again come, Great is my aversion to a further increase of the public burden, I prefer that condition to a policy that takes from the deserving few for the benefit of the many, and it is hoped that claims growing out of Indian troubles and finally chargeable to the Territory, may receive the consideration which justice, tempered by rigid economy requires.

Should future Indian disturbances render it necessary to make requisition for the three hundred and fifty arms yet due the Executive, will need authority of law to pay the necessary expenses, through warrants upon the Territorial Treasury. Without such appropriation, or resort to private contributions

the arms cannot be obtained. It may be added, that when destitute of means as has been the case thus far, the Executive cannot act with efficiency nor even with economy, and the service which the people expect, and necessity demands, is surrounded by embarrassments which no effort can overcome.

With the passage of laws for reorganizing, arming, and service of the Militia it is hoped that we may be more safe from sudden attacks than in former years, without materially increasing the public burdens. Whatever these may be, they must be cheerfully borne, for there cannot be families and homes and prosperous communities, so long as the scalping-knife and faggot imperil their safety.

Very Respectfully
Your Obedt. Servant

M. Brayman
Governor

Executive Department
 Idaho Territory
 Boise City, Feb. 21, 1879

Hon N B Willey
 President of the Council

Sir

Council Bill number thirty-six "An Act to provide for the compensation of certain persons for services rendered the Territory of Idaho during the Centh Session of the Legislative Assembly thereof," is returned without approval, for the reasons here given. This bill makes appropriations out of the Territorial treasury as follows:

To S. S. Weiler	\$235.29
To Miss Julia C. Henderson	235.29
To William C. Child	235.29
To Miss Jennie	235.29
To L. L. White	235.29
To John N. Wallace and A. J. Boole	352.90
	\$1,411.74

That is to say, fourteen hundred and eleven dollars and seventy-four cents.

These persons are denominated as "assistants" to the various officers provided by law for the service of the houses, excepting one who is denominated Door-keeper. The Council appointed its "assistants," as appears on the 27th of January; the House subsequent to February 4, the date of its organization. I am not aware, nor is it necessary to inquire, what amount of service these persons have rendered, respectively, nor how the amounts of compensation named in the bill were made up.

This bill, in its origin, in its prompt passage, and the manner in which it comes to me, in advance of so many others of grave importance, seems to present itself.

as a leading measure of the present session. Unrestrained by a very vigorous effort to induce its passage, notwithstanding all objections, I take the liberty of repeating, which has already been brought to the notice of both Houses, to the end that the people who are to judge us, may be well advised of the matter.

To make the issue so plain that it cannot be misunderstood or unwittingly evaded, I state, that there are, no law, no such officer or places as are named in this bill, and that the Legislature is, in direct terms, forbidden to create obligations to the incumbents of such, to be paid by the United States or the Territory.

The late law of June 19, 1878, (chap 329 page 173) provides the officers which the House may have and their compensation, and that "no greater number of officers or charges per diem shall be allowed by the United States to any Territory".

Sec. 1888 provides that "no Legislative Assembly of a Territory shall, in any instance or under any pretext exceed the amount appropriated by Congress for its annual expenses".

Reference is made to my message on page 41 of Council Journal, Ninth Session, returning without approval a bill coming under this prohibition. That decision was forwarded, and an official interpretation of the law solicited, upon the following inquiries:

1. May the Territorial Legislature, after appointing the subordinate officers provided for in section 1881, Rev. Statutes U.S., appoint additional officers and pay them out of the Territorial Treasury?

2. Do Sections 1855 and 1888 Rev. Statutes forbid such appointment and compensation?

The reply of the Hon. Charles C. Corham, Acting Secretary of the Interior, which has been for-

nished to each House at your present session, directly declare the incompetency of the General Assembly of a Territory to do this thing. He says that Sec. 1888, "expressly prohibits the creation of offices such as were contemplated in the Concurrent Resolution above referred to (for appointing Journal Clerks,) the incumbents of which were to be paid for their services out of the Territorial Treasury."

The rights of sovereignty, such as adhere in States, do not exist in Territories. The laws of Congress must prevail; ours when in conflict with them, are void. The language of Mr Justice Brewer of the Supreme Court of Utah, in a very recent case, is exceedingly appropriate here: "The Legislature can have no power to do that which the laws of Congress say the Legislature shall not do. There might be sometimes a disagreement as to what the Legislature might do, when the matter was not by the law of Congress forbidden; but there can be no possible disagreement when the power is, in express words, denied to the Legislature. The law of Congress is our constitution in the matter." In that case he adds: "This is, in effect a constitutional prohibition upon the Legislature", and, "the evident intention was to evade or suppress the law of Congress." Don't bet that the General Assembly of Idaho - the Governor assenting - go upon the record in violation of so bad an example? Nor is it to plain for cavil, undeniable, and known of all, that this bill is in violation of the laws we have sworn to obey, and to see faithfully executed. If we are prepared, and intend, to cut loose from the restraint of the law, let us come up to the work bravely, and declare that that is just what we mean - nothing less.

In a special communication which I had ended to lay before both Houses immediately

upon their organization I took occasion to protest against the act of Congress in reducing the number of your subordinate officers, and the reduction of your members and their compensation, and to urge a memorial for a restoration of the provisions of the old law. In communications to members of Congress I have urged attention to the subject. Very recently letters from Washington gave intimation, that one of the appropriation bills will contain an amendment covering the case, and suspending, for your present session, the operations of the latest law. We all understand the embarrassment which must fall upon the closing days of a session with your diminished clerical force. It is expected that Congress will remedy the evil before its adjournment; if not, the evil must be borne.

The proviso of the bill is that should Congress, before the close of your session, make appropriation for these persons, the Territorial Treasurers shall not pay the warrants which its first section requires the Comptroller to issue and that should Congress appropriate, after the adjournment that money should be payable into the Territorial Treasury. The danger of issuing warrants contingent upon the future action of Congress, is sufficiently illustrated in our former experience. At the Eighth Session a law was inconsiderately passed making an appropriation to pay in part for printing the "Code", but providing that should Congress appropriate sufficient for the purpose, "so much of the sum hereby appropriated shall be drawn, and no warrant shall be drawn, and no warrant shall issue therefor." By reference to the report of a very able and careful joint committee, found on page sixty-seven of the printed Council Journal for 1876-7, it will be found that twelve days before Con-

gress had acted on the subject, a warrant for \$1400 was issued. The contents of the committee on that matter, may be profitably read in connection with your review of this bill.

Furthermore, Congressional appropriations for Legislative expenses, go into the hands of the Territorial Secretary and are paid by him directly to the persons entitled to receive them. In performing this service, he is governed by Section 1889 of the Revised Statutes of the United States which says that "no act, resolution, or order of the Legislature of any Territory, declaring the expenditure of the sum, shall be deemed a sufficient authority for such disbursement." To be brief, the General Assembly has no more power over the expenditures of money appropriated by Congress for disbursement by the Secretary, than over the disbursements of a paymaster in the army.

The gratification which springs from making generous presents and paying very liberally for very slight service, loses much of its value when we give that which does not belong to us. It is well to think of the people who pay this money. The poor man, in the most distant corner of Idaho, who lives scantily—whose children go washed—who labors and saves from his little earnings, bears an additional and unnecessary burden, when the money he pays for the support of his government, goes to improper uses. It is quite safe and wise to think of them.

Very Respectfully
Your Obt. Servant

W. B. Raymon
Governor

Executive Department
Idaho Territory
Boise City, Feb. 21, 1879

Hon. N. B. Willey
President of the Council.

Sir:

Concurrent Council Resolution appropriating Three Hundred Dollars to William H. Redman and Louis Scholl, is hereby returned without approval, with these objections.

Section 1844, makes it the duty of the Secretary of the Territory to do this work, for which he is paid a salary and granted a liberal appropriation for clerk hire, when needed. These people have done their work and ought to be paid, but having been employed by the late Secretary must look to him for payment, or apply for redress to the Department that furnishes the money, and settles the accounts.

A bill has been presented to Congress to pay these persons two hundred dollars each. This allowance is yet quite probable. The delinquencies of federal officers should not be paid by the Territory.

The message returning without approval, Council Bill 34, read before the Council this morning, may be consulted for further examination of the laws governing this case.

Very Respectfully
Yours Obedt Servants

M. B. Thompson
Governor

Executive Department
Idaho Territory
Boise City Feb 15, 1879

Hon. N. B. Willey
President of the Council

Sir:

I have the honor to nominate
James W. Griffin of Ada County, to be Treas-
urer of the Territory of Idaho, for the term
of two years from and after the fifteenth
day of January A. D. 1879, and respectfully
ask the concurrence of the Council therein

Very Respectfully
Your Obedt Servant

M. Brayman
Governor

Executive Department
Idaho Territory
Boise City Feb. 10, 1879

Hon. A. B. Willey
President of the Council.

Sir,

I have the honor to nominate C. M. Reed of Ada County to be Comptroller of the Territory of Idaho for the term of two years from and after the fifteenth day of January A. D. 1879, and respectfully ask the concurrence of the Council therein.

Very Respectfully
Your Obedt. Servant

M. Brayman
Governor

Executive Department
Idaho Territory
Boise City Feb 21, 1879

Hon. N. B. Willey
President of the Council,

Sir:

I learn that on yesterday a paper written by Joseph Perault, Esq., late Territorial Comptroller, found its way into the Council, and received some attention of that body - that paper containing disrespectful allusions to myself.

If it have no importance beyond that given by the name of the writer, I care nothing about it. But if it has received recognition by the Council or any member, I ask to be furnished with a certified copy that I may know the meaning of such a proceeding.

Very Respectfully
Yours Obt. Servant

W. Brayman
Governor

Executive Department
Idaho Territory
Boise City Feb. 21, 1879

Hon J. W. Birdseye
Speaker of the House

Sir

House Bill No. - increasing the fund for expenses of the Comptrollers office to \$500 is returned without approval. Under a faithful and conscientious discharge of the duties of the double office of Comptroller and Superintendent of Public Instruction, the sum proposed would not be so large. At present the present will suffice

Respectfully
Your Obedt Servant

M. Brannan
Governor

Executive Department
Idaho Territory
Boise City Feb 21, 1879

Hon W. Pindsey
Speaker of the House.

Sir:

It is said that on last evening the Executive was made the subject of Resolution in your body

If so please furnish me a certified copy thereof, as I wish to transmit the same to the President at the earliest moment.

Yours Respectfully

M. Drayman
Governor

By the Governor
1879
A Thanksgiving Proclamation
Territory of Idaho

In civilized nations special days are consecrated to memorable events & victories, deliverances, Divine benefactions - days of congratulation and of sorrow - days which measure epochs in discovery, invention, intellectual advance, moral growth and social change: days to mark the succession of seasons; and to celebrate, in grateful observance, the blessings which they bring.

It has been a custom from early times, at the falling of the leaf, when the ripened fruits of toil are gathered, to pause and reverently thank God for His goodness and care. Recognizing the fitness of this observance, at the close of a year crowned with peace, plenty and tranquility, the President has, by proclamation, set apart Thursday the twenty-seventh day of this month of November for the giving of "thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance."

In full sympathy with this act of National consecration, it is recommended to the good people of Idaho that they permit their accustomed labors, and devote the day to the public services of religion, in their chosen ways - to the assembling of families - to the strengthening of husband and social ties - to the forgiveness of injuries and to the rational enjoyment of those temporal blessings which have fallen from the Divine hand.

On that day may the stranger find a welcome at our table, our friends and others, and comfort and consolation be brought to the children of want and sorrow on whom the chastening hand has been laid.

In grateful with all thankfulness for the
past year in the present, let there be fervent sup-
plication that righteousness may so visit this
Nation, that it shall be held in honor and
fear throughout the earth - that the union
of these States may be perpetual - that stripes
and penances may cease - that, animated
by love of our country and kind we may
realize "How good and how pleasant it is
for brethren to dwell together in unity"

C. L. S.

Given under my hand
and the Great Seal of Iowa
at Des Moines, this
tenth day of November, in the
year of our Lord, one thousand
eight hundred and seventy-nine,
and of Independence of the Uni-
ted States, the one hundred and
fourth.

By the Governor
R. A. Sutebotham
M. A. Drayman
Secretary